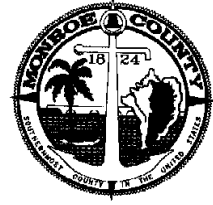


## 3.0

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### *Goals, Objectives and Policies*



### **3.1 Future Land Use**

#### **GOAL 101**

Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. [9J-5.006(3)a]

##### **Objective 101.1**

Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development. [9J-5.006(3)(b)1]

##### **Policy 101.1.1**

Monroe County shall adopt level of service (LOS) standards for the following public facility types required by Chapter 9J-5, F.A.C: roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and paratransit. The LOS standards are established in the following sections of the Comprehensive Plan:

1. The LOS for roads is established in Traffic and Circulation Policy 301.1.1;
2. The LOS for potable water is established in Potable Water Policy 701.1.1;
3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
6. The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1. [5.006(3)(c)3]

##### **Policy 101.1.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which provide a Concurrency Management System ( see Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate public facilities needed to support the development at the adopted LOS standards are available concurrent with the impacts of development. [9J-5.006(3)(c)3]

##### **Objective 101.2**

Monroe County shall reduce hurricane evacuation clearance times to 24 hours by the year 2010.

##### **Policy 101.2.1**

Monroe County shall establish a Permit Allocation System for new residential development. The Permit Allocation System shall limit the number of permits issued for

new residential development. THIS POLICY IS SUPERSEDED BY POLICY 101.2.13 FOR AN INTERIM PERIOD OF TIME.

**Policy 101.2.2**

Applicants shall be required to obtain letters of coordination confirming the availability of potable water and electricity, and applicable permits from HRS prior to submitting a building permit application for new residential development to the Monroe County Growth Management Division through the Permit Allocation System. Applicants shall be required to obtain all other applicable agency permits prior to the issuance of a County permit.

**Policy 101.2.3**

The Permit Allocation System for new residential development shall specify procedures for:

1. annual adjustment of the number of permits for new residential units to be issued during the next year based upon:
  - a) the number of permits for new residential units issued during the previous year, including permits which did not result in completed units or active progress towards such completion as defined by the Land Development Regulations; and
  - b) application of the updated transportation model of the Lower Southeast Florida Hurricane Evacuation Study every five years or when warranted by implementation of roadway capacity improvements, new behavioral data, or substantial changes in development patterns (see Conservation and Coastal Management Element Policy 216.1.5);
2. allocation of single- and multi-family unit types in accordance with Policy 101.2.4; and
3. timing of the acceptance of applications and issuance of permits for new residential development during the calendar year.

**Policy 101.2.4**

Monroe County shall allocate at least 20 percent of residential (non-transient) growth to affordable housing units as part of the Permit Allocation System. Any portion of the 20 percent allocation not used for affordable housing shall be retained and be made available for affordable housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation must meet the criteria specified in Policy 601.1.7. The parcel proposed for development shall not be located in an acquisition area and shall not qualify for negative points according to the criteria specified under Habitat Protection and Threatened or Endangered Animal Species in Policy 101.5.4; however, properties designated Residential High shall be exempted from this prohibition.

**Policy 101.2.5**

Monroe County recognizes the discrepancy of units between the County's proposed allocation to the Cities and the Cities' vested development assumptions. By January 4, 1997, the County shall initiate an interlocal agreement with the Cities to resolve the discrepancy within three (3) years.

**Policy 101.2.6**

By January 4, 1996, Monroe County shall adopt Land Development Regulations which prohibit new transient residential units including hotel or motel rooms, campground spaces, or spaces for

parking a recreational vehicle or travel trailer until December 31, 2001, Monroe County shall either extend this prohibition until December 2006 or revise the Permit Allocation System to allocate a percentage of residential growth to transient units.

**Policy 101.2.7**

Monroe County shall have coordinated with the Florida Department of Transportation (FDOT) to ensure that improvements needed to expand the 18-mile stretch of US 1 are placed in FDOT's adopted five-year work program by 1998.

**Policy 101.2.8**

By January 4, 2000, Monroe County shall have coordinated with FDOT to identify funding and include the improvements needed to expand the segment of US 1 between mile markers 80 and 90 in the FDOT adopted five-year work program to have construction completed by 2010.

**Policy 101.2.9**

Monroe County will coordinate with the Florida Department of Community Affairs' Division of Emergency Management and the County's Director of Emergency Management to have Card Sound Road designated as an alternative hurricane evacuation route by the time the improvements to Card Sound Road are completed in 1998. Monroe County shall divert 40% of evacuating traffic to Card Sound road upon completion of planned roadway improvements by 1998.

**Policy 101.2.10**

Monroe County shall initiate a program to limit the number of vehicles on the roads during a hurricane evacuation. This program shall include educating the public regarding the need to use some type of mass transit to reduce the number of vehicles used for hurricane evacuation and the need to severely reduce the number of individual vehicles used for evacuation while emphasizing the need to evacuate when an evacuation order is issued. In addition, the County will study the feasibility of vehicle registration for use in evacuating and any other feasible alternatives.

**Policy 101.2.11**

By July 17, 2001, the County shall prepare an Evaluation and Appraisal Report (EAR) of this plan. As part of the EAR process, in coordination with the South Florida Regional Planning Council, Key West, Layton and Key Colony Beach, the County will evaluate the effectiveness of its programs in ensuring:

1. that residents and visitors will evacuate when an evacuation order is issued;
2. that the number of evacuating vehicles will be lower than currently projected in the Southeast Florida Hurricane Evacuation Study; and
3. the accuracy of the visitor population figures.



The Southeast Florida Hurricane Evacuation Study transportation models will be updated based on these factors and the total growth allocations, including allocations to the sub-areas of the county and to the municipal jurisdictions.

**Policy 101.2.12**

The County will reconsider its capital improvements based upon the need for additional or different capital improvements identified as a result of the new hurricane evacuation transportation model.

**Policy 101.2.13**

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, HRS, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For years 3 and 4 of the work program the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations.

Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. The nutrient reduction credits earned by the construction of Little Venice system shall be earned according to the following schedule:

1. 213 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 52 shall be made available to Monroe County for affordable housing, and 67 for proposed affordable housing in the City of Marathon. Any credits not used for affordable housing shall be available for future allocation pursuant to paragraph 2 below. In addition, 52 of these credits shall be made available to the City of Marathon.

2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated.

Nutrient reduction credits that are earned from the construction of a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed from its jurisdiction to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new

residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area, except as otherwise authorized herein. For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of 158 new residential units per year.

This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government in the critical areas, may be allowed.

Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon effective date of this rule and the number nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 3.1-1  
Nutrient Reduction Credits

Treatment System Upgraded From	Treatment System Upgraded To			
	On-site Treatment	Centralized Systems		
	OWNER or Equivalent On-site Treatment and Disposal System	Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
Cesspit	1 EDU credit	1 EDU credit	1.0 EDU credit	1.5 EDU credit
SubStandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	N/A	N/A	1	1.5

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and stormwater problems, as well as actions necessary to determine appropriate future growth. Beginning September 30, 2003 and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of 158 units. Other agencies identified in the work program, or any interested persons may likewise report and make recommendations for consideration by the Commission.

Notwithstanding any other date set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and stormwater facilities and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and stormwater master plans and the carrying capacity study are consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No





later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

## **WORK PROGRAM<sup>1</sup>**

### **YEAR ONE (ending December 31, 1997)**

- A. Complete Phase I (data collection) for the Wastewater and Stormwater Master Plans, and secure funding for plan completion. (Reference County Objective. 901.4)  
Agencies; County, DCA DEP, HRS and SFWMD.
- B. Complete a conceptual plan or scope of work to develop a carrying capacity. The carrying capacity analysis shall be designed to determine the ability of the Florida Keys ecosystem, and the various segments thereof, to withstand all impacts of additional land development activities. The analysis shall be based upon the findings adopted by the Administration Commission on December 12, 1995, or more recent data that may become available in the course of the study, and shall be based upon benchmark of, and all adverse impacts to the Keys land and water natural systems, in addition to the impact of nutrients on marine resources. The carrying capacity analysis shall consider aesthetic , socioeconomic (including sustainable tourism), quality of life and community character issues, including the concentration of population, the amount of open space, diversity of habitats, and species richness. The analysis shall reflect the interconnected nature of the Florida Keys' natural systems, but may consider and analyze the carrying capacity of specific islands or groups of islands and specific ecosystems of habitats, including distinct parts of the Keys' marine system. (Ref. 1991 Stip. Settlement Agreement)  
Agencies: County, DCA, DEP, HRS, DOT, GFC, SFWMD, NMS, SFRPC, EPA, USFW, Army COE, and other interested parties to includes representatives of environmental organizations and development interests.
- C. Complete AWT/OSDS demonstration study and initiate rulemaking for new standards for OSDS. (Reference County Policy 901.4.3).  
Agencies: HRS.
- D. Complete Marathon Facilities Plan and secure funding for the facility site(s). The wastewater facilities plan should implement the most cost effective method of collecting, treating, and disposing of wastewater and shall include an investigation of the feasibility of using alternative nutrient-stripping on-site disposal systems. The development of the facilities plan shall be a component of the wastewater Master Plan as that Plan is developed.  
Agencies: County, DCA, and DEP.
- E. Continue cesspit elimination program with identification of Hot Spots as first priority in accordance with Objective 901.2 and seek funding for cesspit identification. Enter into an interlocal agreement with HRS to specify the responsibilities and procedures for the OSDS inspection/compliance program as required by Policy 901.2.3. Adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The ordinance shall include authorization for HRS to inspect wastewater treatment systems on private property as required by Policy 901.2.3. (Reference County Objective 901.2).

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<sup>1</sup> On March 9, 1999, the Administrative Commission determined that the substantial progress toward the work program objectives had not been made and authorized rulemaking to amend the work program beginning in Year Three. Work program tasks from years One and Two not completed by the end of Year Two were included as tasks in subsequent years of the work program.



Agencies: County, DCA, and HRS.

- F. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority, and DEP.

- G. Revise the habitat Evaluation Index (HEI) based on peer review.

Agencies: County, DCA, DEP, FGFWFC, and Federal agencies.

**YEAR TWO** (ending December 31, 1998)

- A. Complete the wastewater and Stormwater Master Plans and execute interagency agreements to define construction schedule by phases. Document that significant reduction in nutrients will be achieved each year thereafter within each sub-areas. The Master Plans shall include facility plans for all proposed treatment strategies, and determine retrofit and funding requirements for HOT Spots and cesspit identified in D below.

Agencies: County, DCA, DEP, and HRS.

- B. Secure funding for the carrying capacity study and initiate Phase I (data collection) of the study.

Agencies: County, DCA, and DEP.

- C. Complete cesspit ID process in Hot Spots, excluding the Marathon area.

Agencies: County, DCA, and HRS.

- D. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies County, Land Authority, and DEP.

- E. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Reference County Policy 103.1.5).

Agencies: County, DCA, SFWMD, USFWS

**YEAR THREE** (January 1, 1999 through July 12, 2000 )

- A. Complete and begin implementation of Wastewater Master Plan. Utilizing the findings of the Wastewater Master Plan and recommendations of the Water Quality Steering Committee relating to Hot Spots do the following: refine and prioritize areas identified as Hot Spots, determine retrofit and funding requirements for priority Hot Spots and cesspit replacement for areas outside those areas identified for central or cluster wastewater collection systems, and begin developing facility plans for priority Hot Spots. Execute interagency agreements to define facility plan, design and construction schedules for each Hot Spot facility. Establish a water quality monitoring program to document the reduction in nutrients as a result of these facilities. Complete a wastewater treatment finance plan and a service area implementation plan, and continue efforts to secure funding for Wastewater Master Plan implementation, with priority given to Hot Spots. Determine the feasibility and legal ramifications of establishing an escrow account as a means of providing long-term funding for replacing cesspits or substandard onsite sewage systems. Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues, to fund the local share of wastewater improvements in Years Four and Five. Seek to provide comparable subsidies for both wastewater collection systems and individual cesspit replacement.

Agencies: County, FCAA, DCA, DEP, DOH, SFWMD, EPA and Water Quality Protection Program Steering Committee (WQSC).

- B. Secure funding for Storm Water Master Plan development, contract selected firm for development of Master Plan, and complete Phase I (data collection). Determine the feasibility of providing nutrient reduction credits for stormwater improvements.

Agencies: County, DCA, DOT, SFWMD, EPA and WQSC.

- C. Conclude acquisition of North Key Largo Hammocks CARL project. Make offers to 33% of remaining private owners with property located in other CARL project boundaries.

Agencies: County, Land Authority and DEP.

- D. Secure remaining funds for the carrying capacity study, conduct workshops as outlined in the Scope of Work, select prime contractor, and initiate Phase I (data collection) of the study.  
Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.
- E. Continue efforts to secure funding for the Marathon Facility. Complete Little Venice construction design, secure lands needed for Little Venice facility, and begin bid process and selection of construction firm. Design a water quality monitoring program to document Little Venice project impacts.  
Agencies: County, FCAA, DCA, DEP, WQSC, and EPA.
- F. Continue cesspit identification by providing notice to all property owners with unknown systems, outside of Hot Spots. Initiate replacement of cesspits outside of Hot Spots. Award financial assistance grants to qualified applicants using FY 1997-98 state funds to ensure a minimum of 70 cesspit replacements. Develop a low interest loan and grant program to assist all residents in replacing cesspits, with priority of funds going, in order of preference, to very low-, low- and moderate-income households. Investigate the appropriate point at which nutrient reduction credits can be awarded for future committed water quality treatment facilities and the appropriateness of transferring credits among ROGO areas.  
Agencies: County, DCA, FCAA, WQSC and DOH.
- G. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)  
Agencies: County, FCAA, DEP, DCA, SFWMD, EPA, WQSC and USFWS.
- H. Develop an integrated funding plan for the purchase of land from ROGO applicants who have competed unsuccessfully for four consecutive years and applied for administrative relief.  
Agencies: County.
- I. The County, in conjunction with DCA, shall assess the feasibility of applying the nutrient reduction credit requirement to new commercial development.  
Agencies: County and DCA.

#### **YEAR FOUR (July 13, 2000 through July 12, 2001)**

- A. Continue implementation of Wastewater Master Plan, execute interagency agreements to define construction schedule by phases, and continue developing facility plans for priority Hot Spots in each ROGO area. Secure funding to implement the Wastewater Master Plan. Document that reduction in nutrients has been achieved within each of the sub-areas.  
Agencies: County, FCAA, DCA, DEP, DOH, EPA and WQSC.
- B. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.  
Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.
- C. Make offers to 50% of remaining private owners with property located in CARL project boundaries.  
Agencies: County, Land Authority and DEP.
- D. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.  
Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.
- E. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.  
Agencies: County, DCA, DEP, FCAA, WQSC and EPA.
- F. Complete cesspit identification and continue cesspit replacement outside of Hot Spots, with a priority of funds going, in order of preference, to low- and moderate income households; ensure that a minimum of 88 cesspits are replaced  
Agencies: County, FCAA, WQSC and DOH.

#### **YEAR FIVE (July 13, 2001 through July 12, 2002 )**

- A. Continue implementation of the Wastewater Master Plan pursuant to executed interagency agreements. Begin construction of wastewater facilities in selected Hot Spots.  
Agencies: County, FCAA, DCA, DOH, DEP, EPA, and WQSC.
- B. Execute interagency agreements to define construction schedule for selected storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.  
Agencies: County, DCA, DEP, DOT, WQSC and SFWMD.
- C. Conclude negotiations with all willing owners with property within CARL project boundaries. Acquire a total-to-date of 45% of the Key Deer/Coupon Bight project and 25% of the Florida Keys Ecosystems project from willing sellers.  
Agencies: County, Land Authority, and DEP.
- D. Complete final draft of the carrying capacity study including acceptance by review agencies.  
Agencies: County, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.
- E. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.  
Agencies: County, DOH, FCAA and WQSC.

**YEAR SIX** (July 13, 2002 through July 12, 2003)

- A. Continue construction of wastewater facilities in Hot Spots begun in previous year. Contract to design and construct additional wastewater treatment facilities in Hot Spots in accordance with the schedule of the Wastewater Master Plan. Continue implementation of Wastewater Master Plan with emphasis on Hot Spots.  
Agencies: County, FCAA, DEP, DOW, DCA, EPA and WQSC.
- B. Initiate construction of selected projects as identified in the Storm Water Master Plan.  
Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.
- C. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.  
Agencies: County, FCAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.
- D. Complete the elimination of all cesspits in areas outside of Hot Spots. Agencies: County, FCAA, DOH and WQSC.
- E. Develop a Keys-wide master land acquisition plan which shall include:
  - (1) a strategy for the acquisition of those properties which should be preserved due to their habitat value as well as those other properties where future development is to be discouraged.
  - (2) a management plan for implementing the strategy, and
  - (3) a reasonable, feasible plan for securing funding for said land acquisition.

Agencies : County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

- F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of affordable housing stock.

Agencies: County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

#### **YEAR SEVEN (July 13, 2003 through July 12, 2004)**

- A. Finalize construction and begin operating wastewater facilities in Hot Spots. Continue implementation of Wastewater Master Plan with continued emphasis on Hot Spots.

Agencies: County, FCAA, DEP, DCA, DOH, EPA and WQSC

- B. Continue implementing selected projects as identified in the Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC

#### **Policy 101.2.14**

Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO sub-districts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

### **Objective 101.3**

Monroe County shall regulate non-residential development to maintain a balance of land uses to serve the needs of the future population of Monroe County.

#### **Policy 101.3.1**

Monroe County shall maintain a balance between residential and non-residential growth by limiting the gross square footage of non-residential development over the 15 year planning horizon in order to maintain a ratio of approximately 239 square feet of non-residential development for each new residential unit permitted through the Permit Allocation System. The ratio for commercial allocation shall be revised upon completion of the economic baseline analysis required by policy 101.3.5 which shall be completed no later than January 4, 1997. The commercial allocation allowed by this policy shall be uniformly distributed over the 15 year planning horizon consistent with the residential permit allocation system as set forth in policy 101.2.1. Within one year of the effective date of this plan, Monroe County shall amend this policy to specify the annual allowable square footage based upon the number of residential units allowed by year using the ratio set forth in this policy.

#### **Policy 101.3.2**

Applicants shall be required to obtain letters of coordination confirming the availability of potable water and electricity, and applicable permits from HRS prior to submitting a building permit application for new non-residential development to the Monroe County Growth Management Division through the Permit Allocation System. Applicants shall be required to obtain all other applicable agency permits prior to issuance of a County permit.

#### **Policy 101.3.3**

The Permit Allocation System for new non-residential development shall specify procedures for:

1. the annual adjustment of the square footage of new non-residential development to be permitted during the next year based upon:
  - a) the square footage of new non-residential development completed during the previous year;
  - b) strict regulations regarding completion schedules of permitted activities shall be developed and enforced to preclude repeated renewal of expired permits; and
2. maintaining a ratio of approximately 239 square feet of new non-residential development for each new residential unit permitted through the Permit Allocation System;
3. timing of the acceptance of applications and issuance of permits for new non-residential development during the calendar year.

**Policy 101.3.4**

Public facilities shall be exempted from the requirements of the Permit Allocation System for new non-residential development. Certain development activity by federally tax-exempt not-for-profit educational, scientific, health, religious, social, cultural, and recreational organizations may be exempted from the Permit Allocation System by the Board of County Commissioners after review by the Planning Commission upon a finding that such activity will predominately serve the County's non-transient population. All public and institutional uses that predominately serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except upon factual demonstration that such transient occupancy is of such a nature so as not to adversely impact the hurricane evacuation clearance time of Monroe County.

**Policy 101.3.5**

By January 4, 1998, Monroe County shall complete an economic base analysis in order to determine the demand for future non-residential development. The non-residential development allocation and Future Land Use Map (FLUM) designations for non-residential uses shall be revised based upon the results of this study. The economic base analysis will address existing non-residential uses, vacancy rates, economic trends and demand for non-residential uses by planning sub-area.

**Objective 101.4**

Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map. [9J-5.006(3)(b) 3]

**Policy 101.4.1**

The principal purpose of the Residential Conservation land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. Low-intensity public uses and utilities are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in



effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted. Maximum permitted densities shall be based upon the results of the habitat analysis required by Division 8 of the Monroe County Land Development Regulations, as amended. [9J-5.006(3)(c) 1 and 7]

#### **Policy 101.4.2**

The principal purpose of the Residential Low land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

#### **Policy 101.4.3**

The principal purpose of the Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption. However, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. Lands within this land use category shall not be further subdivided. [9J-5.006(3)(c) 1 and 7]

#### **Policy 101.4.4**

The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers. In addition, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and

to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. [9J-5.006(3)(c) 1 and 7]

**Policy 101.4.5**

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

**Policy 101.4.6**

The principal purpose of the Mixed Use/ Commercial Fishing land use category is to provide for the maintenance and enhancement of commercial fishing and related traditional uses such as retail, storage, and repair and maintenance which support the commercial fishing industry. Residential uses are also permitted. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.7**

The principal purpose of the Industrial land use category is to provide for the development of industrial, manufacturing, and warehouse and distribution uses. Other commercial, public, residential, and commercial fishing-related uses are also allowed. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.8**

The principal purpose of the Agriculture/Aquaculture land use category is to encourage the retention of existing agricultural and aquacultural uses. [9J-5.006(3)(c)1 and 7]



**Policy 101.4.9**

The principal purpose of the Recreation land use category is to provide for public and private activity-based and resource-based recreational facilities. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.10**

The principal purpose of the Institutional land use category is to provide for institutional uses by federally tax-exempt, non-profit facilities, including, but not limited to, educational, scientific, religious, social service, cultural, and recreational organizations. Related residential and non-residential uses, including student and employee housing shall be allowed. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.11**

The principal purpose of the Educational land use category is to provide for public educational facilities. The County shall coordinate with the School Board to balance educational facility land requirements with other land use objectives. In recognition of Monroe County's environment and the linear distribution of its population, the County shall encourage schools to accommodate building and facility requirements on existing sites. When new school sites are required, school shall be encouraged to locate proximate to urban residential areas and other public facilities. [9J-5.006(3)(c) 1 and 7]

**Policy 101.4.12**

The principal purpose of the Public Buildings/Grounds land use category is to provide for public buildings and grounds owned by federal, state and local governments. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.13**

The principal purpose of the Public Facilities land use category is to provide for land owned by public utilities and service providers. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.14**

The principal purpose of the Military land use category is to provide for federally owned lands used for military purposes. Development densities and intensities are not subject to regulation by Monroe County. Military commanders will be requested to follow these recommended densities and intensities as specified in Policy 101.4.22, consistent with natural resource constraints as well as all County environmental design criteria.

**Policy 101.4.15**

The principal purpose of the Conservation land use category is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this category shall be allowed. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.16**

The principal purpose of the Airport District land use category is to prohibit the development of residential, educational or other uses which are characterized by the regular presence of large numbers of people within the hazard areas of civil and military airports.



**Policy 101.4.17**

The principal purpose of the Mainland Native land use category is to protect the undeveloped and environmentally sensitive character of land within Monroe County that is located on the mainland of the Florida peninsula. Very low density residential uses and low-intensity educational and research centers shall be allowed. All land in the mainland portion of Monroe County is hereby designated as Mainland Native.

**Policy 101.4.18**

The principal purpose of the Historic overlay category is to identify existing and potential historic districts for designation, protection, and preservation (see Goal 104 and supporting objectives and policies). Maximum permitted densities and intensities shall be in accordance with the underlying land use categories. [9J-5.006(3)(c)1 and 7]

**Policy 101.4.19**

Densities among properties designated Residential Conservation and Residential Low shall not be increased above the densities which existed prior to the date of plan adoption except through appeal procedures to demonstrate that such prior density designations were incorrect due to scrivener's/drafting errors or incorrect habitat conditions identified on the December 1985 Habitat Classification Aerial Photographs.

**Policy 101.4.20**

One or more Open Space Ratios (OSR) shall be assigned to each zoning category in the Land Development Regulations. If more than one OSR is to be designated for a zoning category, the range of OSRs will be dependent on both the zoning and the habitat of a given parcel.

**Policy 101.4.21**

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17: [9J-5.006(3)(c)7].



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Future Land Use Densities and Intensities			
Future Land Use Category and Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Agriculture (A) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) <sup>(g)</sup> (SC, UC, DR, RV, and MU zoning)	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45
Mixed Use/Commercial Fishing (MCF) <sup>(g)</sup> (CFA, CFV <sup>(c)</sup> , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS <sup>(d)</sup> , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D <sup>(e)</sup> , URM <sup>(e)</sup> , and UR <sup>(f)</sup> zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0
Notes: (a) "N/A" means that maximum net density bonuses shall not be available. (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available. (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available. (d) Maximum net density bonuses shall not be available to the SS district. (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available. (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing. (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply. (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.			

**Policy 101.4.22**

All densities and intensities shall be subject to open space requirements defined by habitat per current Land Development Regulations, Division 8, hereby incorporated by reference. In the case of upland hardwood and pineland forests the open space is determined by the results of the habitat analysis (see Conservation and Coastal Management, Objective 205.2 and related policies).

**Policy 101.4.23**

Notwithstanding the density limitations set forth in Policy 101.4.22, land upon which a legally-established residential dwelling unit is in existence and used as a principal residence on the effective date of this plan shall continue to be entitled to a density of one dwelling unit per each such unit in existence on the effective date of this plan.

**Policy 101.4.24**

In order to preserve the existing community character and natural environment, Monroe County shall limit the height of structures including landfills to 35 feet. Exceptions will be allowed for appurtenances to buildings, transmission towers and other similar structures.

**Objective 101.5**

Monroe County shall implement a Point System which directs future growth in order to:

1. encourage the redevelopment and renewal of blighted areas [9J-5.006(3)(b)2];
2. maintain and enhance the character of the community [9J-5.006(3)(b)3];
3. protect natural resources [9J-5.006(3)(b)4];
4. encourage a compact pattern of development [9J-5.006(3)(b)7]; and
5. encourage the development of affordable housing.

**Policy 101.5.1**

By January 4, 1997, Monroe County shall adopt a Point System for residential and non-residential development which shall be used as a basis for selecting the development applications which are to be issued permits through the Permit Allocation System (see Policy 101.2.1). The Point System shall specify positive point factors which shall be considered as assets and negative point factors which shall be considered as liabilities in the evaluation of applications for new residential and non-residential development.

**Policy 101.5.2**

In order to encourage a compact form of residential growth, the Point System shall assign positive point ratings to applications for new residential development which would result in infill development in platted, improved subdivisions. [9J-5.006(3)(c)1 and 6]

**Policy 101.5.3**

In order to encourage a compact form of non-residential growth, the Permit Allocation System shall limit the amount of new non-residential development. (See Policy 101.3.1.) [9J-5.006(3)(c)1]





**Policy 101.5.4**

Monroe County shall implement the Residential Permit Allocation and Point System via the land development regulations. The following weighting categories are hereby established as guidelines for developing the specific point values in the land development regulations:

<u>Weighting Category</u>	<u>Range of Points</u>
Major	6 to 10
Moderate	3 to 5
Minor	1 to 2

Adjustments to the specific point values assigned in the land development regulations may be accomplished without an amendment to this plan, provided the adjusted point values are consistent with the weighting categories assigned in this policy. The point system criteria and corresponding weighting categories are hereby established as shown below. The points are intended to be applied cumulatively except where specified otherwise. Dwelling units shall receive all applicable point allocations related to habitat protection.

- 1. Platted Subdivision Infill** - Points shall be assigned to Allocation Applications for proposed dwelling unit(s) which result in the infill of a legally platted subdivision and which lots are serviced by existing infrastructure. For the purposes of this section and Section 2 below, "existing infrastructure" means that infrastructure in place as of July 13, 1992, the effective date of the Dwelling Unit Allocation Ordinance.

<u>Weighting Category</u>	<u>Criteria</u>
Major Positive	Dwelling unit(s) which are proposed within a legally platted, recorded subdivision and which lots are served by existing infrastructure including, at a minimum, potable water, electricity, and paved roadways.

**2. Infrastructure Availability**

<u>Weighting Criteria</u>	<u>Criteria</u>
Moderate Positive	Any dwelling unit(s) which are proposed and which are not within a legally platted, recorded subdivision, but which sites are served by existing infrastructure including, at a minimum, potable water, electricity and paved roadways.



3. **Lot Aggregation** - Points shall be assigned to Allocation Applications for proposed dwelling unit(s) which include a voluntary reduction of density permitted as of right within subdivisions (residential units per legally platted, buildable lots) by aggregating vacant, legally platted, buildable lots.

Weighting Category	Criteria
Moderate Positive	The application aggregates two (2) contiguous, vacant, legally platted, buildable lots.
Moderate Positive	Each additional contiguous, vacant, legally platted, buildable lot aggregated over two (2).

4. **Affordable Housing** - Points shall be assigned to Allocation Applications for proposed dwelling units which contribute to the supply of affordable housing in Monroe County.

Weighting Category	Criteria
Moderate Positive	Proposed dwelling unit(s) which meet the affordable housing guidelines set forth in Policy 601.1.11.

5. **Land Dedication** - Points shall be assigned to Allocation Applications for proposed dwelling units which include a voluntary dedication to Monroe County of vacant, buildable lots or unplatted, buildable land within areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

Weighting Category	Criteria
Minor Positive	Application includes dedication to Monroe County of one vacant, legally platted, buildable lot or at least one acre of unplatted, buildable land located within Conservation Areas or areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection.
Minor Positive	Additional minor positive point(s) shall be assigned for each additional legally platted, buildable lot, and for each one acre of unplatted, buildable land located in areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection, which lot(s) or acreage is dedicated to Monroe County.





## 6. Habitat Protection

- a) Points shall be assigned to Allocation Applications for proposed dwelling unit(s) based on the type and quality of existing vegetation located within the area of approved clearing shown on the approved site plan:

Weighting Category	Criteria
Major Negative	Habitat Type/Habitat Quality Group 4; High Hammock (high quality) Low Hammock (high quality) Pineland Undisturbed Beach/Berm Saltmarsh and Buttonwood Wetlands Palm Hammock Cactus Hammock
Moderate Negative	Habitat Type/Habitat Quality Group 3; High Hammock (moderate quality) Low Hammock (moderate quality)
Minor Negative	Habitat Type/Habitat Quality Group 2; High Hammock (low quality) Low Hammock (low quality) Disturbed Saltmarsh and Buttonwood Disturbed Beach/Berm
Minor Positive	Habitat Type/Habitat Quality Group 1; Disturbed with Exotics

- b) If the approved clearing area includes more than one habitat type/habitat quality group, points shall be assigned to the application for development on the basis of the following formula:

total points assigned =

$$\frac{(\text{area of clearing in Group 1}) \times (\text{Group 1 point value})}{(\text{area in parcel to be cleared})}$$

plus

$$\frac{(\text{area of clearing in Group 2}) \times (\text{Group 2 point value})}{(\text{area in parcel to be cleared})}$$

plus

$$\frac{(\text{area of clearing in Group 3}) \times (\text{Group 3 point value})}{(\text{area in parcel to be cleared})}$$

plus

$$\frac{(\text{area of clearing in Group 4}) \times (\text{Group 4 point value})}{(\text{area in parcel to be cleared})}$$

- c) Determination of the quality of undisturbed high hammock, low hammock and pinelands shall be made through utilization of the habitat analysis indices and scores (HEI), applied pursuant to the Monroe County Land Development Regulations.

## 7. Threatened, Endangered or Species of Special Concern Animal Species

- a) Points shall be assigned to Allocation Applications for proposed dwelling unit(s) based on the probable impacts of the proposed development on the

- b) successful protection and recovery of a threatened or endangered animal species in its natural habitat. Points shall be assigned as follows:

Weighting Category	Criteria
Major Negative	Dwelling unit(s) within a known habitat of threatened/endangered or species of special concern, except for marine turtles and the piping plover which are specifically addressed below.
Major Negative	Dwelling unit(s) within 100 feet of any known nesting area for marine turtles.
Major Negative	Dwelling unit(s) within 500 feet of any known nesting or resting area of the piping plover.
Moderate Negative	Dwelling unit(s) within a probable or potential habitat of threatened/endangered or species of special concern habitat.
Minor Negative	Dwelling unit(s) within the habitat of a wide-ranging threatened/endangered or species of special concern.

- b) All habitat categories for threatened and endangered species are mapped on the "Protected Animal Species Map." Monroe County shall within six months of the effective date of the Plan amend the maps to reflect the habitat range of species of special concern.

- 8. Critical Habitat Areas-** Points shall be assigned to Allocation Applications for proposed dwelling unit(s) located within critical habitat areas of the Florida Keys. Points shall be assigned as follows:

Weighting Category	Criteria
Major Negative	Any dwelling unit(s) proposed on Big Pine Key, No Name Key, Ohio Key and North Key Largo.
Major Negative	Dwelling unit(s) proposed within Priority I and Priority II acquisition areas of the National Key Deer Refuge, mandatory negative 10 points.
Major Negative	Dwelling unit(s) proposed within the Coupon Bight or CARL acquisition areas.
Major Negative	Dwelling unit(s) proposed within the "secondary zone" for nesting sites of the Southern Bald Eagle, as defined by the U.S. Fish and Wildlife Service in the Habitat Management Guidelines for the Bald Eagle in the Southeast Region, 1987, incorporated herein by reference.



- 9. Acreage Tract Density Reduction** - Points shall be assigned to Allocation Applications for proposed dwelling unit(s) which include a voluntary reduction of density permitted as of right:

Weighting Category	Criteria
Minor Positive	Application voluntarily reduces allocated density permitted as of right (residential units per acre) on unplatted, acreage tracts by between fifty (50) and sixty-six (66) percent;
Moderate Positive	Application voluntarily reduces allocated density permitted as of right on unplatted, acreage tracts by between sixty-seven (67) and seventy-five (75) percent;
Major Positive	Application voluntarily reduces allocated density permitted as of right on unplatted, acreage tracts by greater than seventy-five (75) percent.

- 10. Perseverance Points** - Minor positive point(s) shall be awarded for each year that the applicant remains in the allocation system.

- 11. Water Conservation** - Points shall be assigned to Allocation Applications for proposed dwelling units which include water conservation measures.

Weighting Category	Criteria
Minor Positive	Application includes ultra-low flow plumbing fixtures for all toilets, sinks, and showers:  <div style="display: flex; justify-content: flex-end;"> <div style="text-align: right;">Toilets</div> <div style="text-align: right;">1.6 gal/flush</div> </div> <div style="display: flex; justify-content: flex-end;"> <div style="text-align: right;">Showerheads</div> <div style="text-align: right;">2.5 gal/min</div> </div> <div style="display: flex; justify-content: flex-end;"> <div style="text-align: right;">Faucets</div> <div style="text-align: right;">2.0 gal/min</div> </div>
Minor Positive	Application includes either:  (a) a primary water source consisting of a cistern (12,500 gallon minimum) or reverse osmosis facility (200 gallon per day minimum); or  (b) a secondary water source consisting of a cistern (2,500 gallon minimum) or reverse osmosis facility (50 gallon per day minimum.)

Points for alternative water systems shall not be awarded in areas in which FKAA water connection is prohibited, as described in Chapter 48-7, F.A.C.



- 12. Energy Conservation** - Points shall be assigned to Allocation Applications for proposed dwelling units which include energy conservation measures. Points shall not be awarded for these criteria in areas not served by the Florida Keys Electric Cooperative or the City Electric System.

Weighting Category	Criteria
Minor Positive	HVAC unit has an Energy Efficiency Rating of 12 or better.
Minor Positive	For any one or more of the following: Dwelling unit has solar hot water panel(s) with a minimum energy production of 14 kwh/day, Dwelling unit has photovoltaic system on a conventional grid, which generates a minimum of 14 kwh/day and/or Dwelling unit has heat recovery unit(s) which provides supplemental heating of domestic hot water.
Minor Positive	Dwelling unit has a photovoltaic system, sized as above, in conjunction with the total elimination of the conventional grid system.

**13. Structural Integrity of Construction**

Weighting Category	Criteria
Minor Positive	Application exceeds the minimum flood elevation required by the floodplain management standards section of the Monroe County Land Development Regulations by thirteen inches or more.
Minor Positive	Dwelling unit meets a wind load of 160 mph or greater, as certified by a qualified engineer/architect.
Minor Positive	Additional point(s) shall be given to dwelling units meeting a wind load of 175 mph or greater, as certified by a qualified engineer/architect.

- 14. Coastal High Hazard Areas** - Points shall be assigned for development within coastal high hazard areas.

Weighting Category	Criteria
Minor Negative	Development proposed within "A" zones on the FEMA flood insurance rate maps.
Major Negative	Development proposed within "V" zones on the FEMA flood insurance rate maps.
Minor Positive	Development proposed within "X" zones on the FEMA flood insurance rate maps.



- 15. Coastal Barrier Resources System** - Major negative points shall be assigned to developments proposed within units of the Coastal Barrier Resources System.
- 16. Offshore Islands/ Conservation Land Protection Area-** Negative points shall be assigned to allocation applications for proposed dwelling units located on offshore islands or within Conservation Land Protection Areas.

Weighting Category	Criteria
Major Negative	Development on Offshore Islands
Minor Negative	Development which may impact Conservation Lands

- 17. Transferable Development Rights-** Points shall be assigned to allocation applications for proposed dwelling units which utilizes transferable development rights.

Weighting Category	Criteria
Minor Positive	Points shall be assigned to any unit which uses TDR's.

- 18. Historic Resources-** Points shall be assigned to allocation applications for developments which affect historic or archaeological resources.

Weighting Category	Criteria
Major Negative	Major negative points shall be assigned to any development which adversely affects, removes or destroys historic structures located within local or national districts or destroys known archaeological resources. The Secretary of Interior's guidelines shall be used in making this determination.
Major Positive	Development which preserves, restores or enhances historic or known archaeological resources.

- 19. Modest Housing** - Points shall be assigned to encourage the development of residential dwelling units with characteristics that make them relatively less expensive than similar residential dwelling units that lack these characteristics.

#### **Detached Residential Dwelling Unit**

Weighting Category	Criteria
Minor Positive	An application which qualifies for infil ROGO points under Policy 101.5.4 and which proposes the development of a detached residential dwelling unit that utilizes a ROGO allocation and contains one thousand three hundred (1,300) square feet, or less, of habitable space. The parcel of land proposed for developing detached residential dwelling unit shall not qualify for negative environmental points under Policy 101.5.4 however, properties designated Residential High shall be exempted from this prohibition. An affordable unit is not eligible for these points since a residential dwelling unit that utilizes an affordable ROGO allocation is already required to contain one thousand three hundred (1,300) square feet, or less, of habitable space.



Minor Positive	Additional points shall be earned for proposing a detached modular residential dwelling unit.
Minor Positive	Additional points shall be earned for proposing a detached residential dwelling unit on a non-waterfront property.

#### **Attached Residential Dwelling Unit**

Minor Positive	An application which qualifies for infill ROGO points under Policy 10 1.5.4 and which proposes the development of an attached dwelling unit that utilizes a ROGO allocation and contains one thousand three hundred (1,300) square feet, or less, of habitable space. The parcel of land proposed for developing an attached residential dwelling unit shall not qualify for negative environmental points under Policy 101.5.4; however, properties designated Residential High shall be exempted from this prohibition. An affordable unit is not eligible for these points since a residential dwelling unit that utilizes an affordable ROGO allocation is already required to contain one thousand three hundred (1,300) square feet, or less, of habitable space.
Minor Positive	Additional points shall be earned for proposing an attached residential dwelling unit on a non-waterfront property.
Minor Positive	Additional points shall be earned for proposing an attached modular residential dwelling unit.
Minor Positive	An application shall earn an additional point for proposing an attached residential dwelling unit that utilizes a residential transfer of ROGO exemption (TRE), on a one for one basis (see Policy 101.5.10).

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**Policy 101.5.5**

Monroe County shall implement the Non-residential Permit Allocation and Point System via the land development regulations. The following weighting categories are hereby established as guidelines for developing the specific point values in the land development regulations. The points are intended to be applied cumulatively except where specified otherwise.

<u>Weighting Category</u>	<u>Range of Points</u>
Major	6 to 10
Moderate	3 to 5
Minor	1 to 2

Adjustments to the specific point values assigned in the land development regulations may be accomplished without an amendment to this plan, provided the adjusted point values are consistent with the weighting categories assigned in this policy. The point system criteria and corresponding weighting categories are hereby established as shown below. The points are intended to be applied cumulatively except where specified otherwise. Non-residential development shall receive all applicable point allocation related to habitat protection.

- 1. Commercial Area Infill** - Points shall be assigned to Allocation Applications for proposed non-residential developments which result in the infill of existing commercial areas which are serviced by existing infrastructure.

<u>Weighting Category</u>	<u>Criteria</u>
Major Positive	Non-residential development which is proposed as an addition to an existing non-residential development.

**2. Infrastructure Availability**

<u>Weighting Category</u>	<u>Criteria</u>
Moderate Positive	Any non-residential development site which is served by existing infrastructure, including at a minimum potable water, electricity and paved roadways. For the purposes of this section, "existing infrastructure" means that infrastructure in place as of July 13, 1992, the effective date of the Dwelling Unit Allocation Ordinance.

- 3. Intensity Reduction** - Points shall be assigned to Allocation Applications for proposed non-residential developments which include a voluntary reduction of intensity.

<u>Weighting Category</u>	<u>Criteria</u>
Moderate Positive	The proposed development reduces the permitted floor area ratio by 35 percent or more.

4. **Land Dedication** - Points shall be assigned to Allocation Applications for proposed non-residential developments which include a voluntary dedication to Monroe County of vacant, buildable lots or unplatted, buildable land within areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

Weighting Category	Criteria
Minor Positive	Application includes dedication to Monroe County of one vacant, legally platted, buildable lot or at least one acre of unplatted, buildable land located within Conservation Areas or areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection.
Minor Positive	Additional minor positive point(s) shall be assigned for each additional legally platted, buildable lot, and for each one acre of unplatted, buildable land located in areas proposed for acquisition by governmental agencies for purposes of conservation or resource protection, which lot(s) or acreage is dedicated to Monroe County.

5. **Habitat Protection**

- a) Points shall be assigned to Allocation Applications for proposed non-residential development based on the type and quality of existing vegetation located within the area of approved clearing shown on the approved site plan:

Weighting Category	Criteria
Major Negative	Habitat Type/Habitat Quality Group 4; High Hammock (high quality) Low Hammock (high quality) Pineland Undisturbed Beach/Berm Saltmarsh and Buttonwood Wetlands Palm Hammock Cactus Hammock
Moderate Negative	Habitat Type/Habitat Quality Group 3; High Hammock (moderate quality) Low Hammock (moderate quality)
Minor Negative	Habitat Type/Habitat Quality Group 2; High Hammock (low quality) Low Hammock (low quality) Disturbed Saltmarsh and Buttonwood Disturbed Beach/Berm
Minor Positive	Habitat Type/Habitat Quality Group 1; Disturbed with Exotics

- b) If the approved clearing area includes more than one habitat type/habitat quality group, points shall be assigned to the application for development on the basis of the following formula:

$$\begin{aligned}
 &\text{total points assigned} = \\
 &\quad \frac{(\text{area of clearing in Group 1}) \times (\text{Group 1 point value})}{(\text{area in parcel to be cleared})} \\
 &\text{plus} \\
 &\quad \frac{(\text{area of clearing in Group 2}) \times (\text{Group 2 point value})}{(\text{area in parcel to be cleared})} \\
 &\text{plus} \\
 &\quad \frac{(\text{area of clearing in Group 3}) \times (\text{Group 3 point value})}{(\text{area in parcel to be cleared})} \\
 &\text{plus} \\
 &\quad \frac{(\text{area of clearing in Group 4}) \times (\text{Group 4 point value})}{(\text{area in parcel to be cleared})}
 \end{aligned}$$

- c) Determination of the quality of undisturbed high hammock, low hammock and pinelands shall be made through utilization of the habitat analysis indices and scores (HEI), applied pursuant to the Monroe County Land Development Regulations.

## 6. Threatened or Endangered or Animal Species of Special Concern

- a) Points shall be assigned to Allocation Applications for proposed non-residential development based on the probable impacts of the proposed development on the successful protection and recovery of a threatened or endangered or animal species of special concern in its natural habitat. Points shall be assigned as follows:

Weighting Category	Criteria
Major Negative	Non-residential development within a known habitat of documented threatened/endangered or species of special concern, except for marine turtles and piping plovers which are specifically addressed below.
Major Negative	Non-residential development within 100 feet of any known nesting area for marine turtles.
Major Negative	Non-residential development within 500 feet of any known nesting or resting area of the piping plover.
Moderate Negative	Non-residential development within a probable or potential habitat of threatened/endangered or species of special concern habitat.
Minor Negative	Non-residential development within the habitat of a wide-ranging threatened/endangered or species of special concern.

- b) All habitat categories for threatened and endangered species are mapped on the “Protected Animal Species Map.” Monroe County shall within six months of the effective date of the Plan amend the maps to reflect the habitat range of species of special concern.

- 7. Critical Habitat Areas-** Points shall be assigned to Allocation Applications for proposed non-residential development located within critical habitat areas of the Florida Keys. Points shall be assigned as follows:

Major Negative	Any non-residential development proposed on Big Pine Key, No Name Key, Ohio Key and North Key Largo.
Major Negative	Non-residential development proposed within Priority I and Priority II acquisition areas of the National Key Deer Refuge, mandatory negative 10 points.
Major Negative	Non-residential development proposed within the Coupon Bight or CARL acquisition area.
Major Negative	Non-residential development proposed within the “secondary zone” for nesting sites of the Southern Bald Eagle as defined by the U.S. Fish and Wildlife Service in the Habitat Management Guidelines for the Bald Eagle in the Southeast Region, 1987, incorporated herein by reference.

- 8. Perseverance Points** - Minor positive point(s) shall be awarded for each year that the applicant remains in the allocation system.

- 9. Water Conservation** - Points shall be assigned to Allocation Applications for proposed non-residential developments which include water conservation measures.

Weighting Category	Criteria
Minor Positive	Project is designed according to xeriscape principles such that vegetation is 100% native plants, and rainfall is collected and directed to the landscaped areas.
Minor Positive	All toilet fixtures in the proposed non-residential development are ultra-low flow, using 1.6 gal/flush or less.







**10. Energy Conservation** - Points shall be assigned to Allocation Applications for proposed non-residential development which include energy conservation measures.

Weighting Category	Criteria
Minor Positive	The HVAC unit has an Energy Efficiency Rating of 12 or better, or the entire area is outside.
Minor Positive	The building has an Energy Performance Index of 70 or lower, as calculated for Section 9 - Residential Point System Method of the Florida Energy Efficiency Code for building construction, or the entire area is outside.
Minor Positive	Application includes either: (a) a solar hot water heater (b) photovoltaic panels; or (c) a wind driven energy generator Points shall not be awarded for these devices in areas not served by the Florida Keys Electric Cooperative or the City Electric System.

**11. Structural Integrity of Construction**

Weighting Category	Criteria
Minor Positive	Application exceeds the minimum flood elevation required by the floodplain management standards section of the Monroe County Land Development Regulations by one (1) foot or more.
Minor Positive	Non-residential structure meets a wind load of 130 mph or greater, as certified by a qualified engineer/architect.
Moderate Positive	Additional point(s) shall be given to non-residential structures meeting a wind load of 155 mph or greater, as certified by a qualified engineer/architect.

**12. Coastal High Hazard Areas** - Points shall be assigned for development within coastal high hazard areas.

Weighting Category	Criteria
Minor Negative	Development proposed within "A" zones on the FEMA flood insurance rate maps.
Major Negative	Development proposed within the "V" zones on the FEMA flood insurance rate maps.
Minor Positive	Development proposed within "X" zones on the FEMA flood insurance rate maps.







**13. Coastal Barrier Resources System** - Major negative points shall be assigned to developments proposed within units of the Coastal Barrier Resources System.

**14. Highway Access**

Moderate Positive	The parking lot is connected to an adjacent, non-residential parking lot; or the applicant records a driveway easement in favor of the public to connect the applicant's parking lot to an adjacent, non-residential parking lot; or the development does not propose an additional driveway onto U.S. 1.
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**15. Landscaping**

Weighting Category	Criteria
Moderate Positive	The project provides twice the number of native landscape plants than the number required by the Monroe County Land Development Regulations.
Minor Positive	Additional point(s) shall be assigned if twenty-five (25) percent of the native plants are listed as threatened or endangered plants native to the Florida Keys.

**16. Disaster Recovery**

Weighting Category	Criteria
Moderate Positive	The development includes a permanently installed, non-portable generator.
Minor Positive	The development includes permanent wiring set up to accommodate auxiliary power generation.

**17. Offshore Islands/ Conservation Land Protection Area-** Negative points shall be assigned to allocation application for proposed non-residential development located on offshore islands or within Conservation Land Protection Areas.

Weighting Category	Criteria
Major Negative	Development on Offshore Islands
Minor Negative	Development which may impact Conservation Lands.







- 18. Transferable Development Rights-** Points shall be assigned to allocation applications for proposed non-residential development which utilizes transferable development rights.

Weighting Category	Criteria
Minor Positive	Moderate positive points shall be assigned to any non-residential development which uses TDR's.

- 19. Historic Resources-** Points shall be assigned to allocation applications for developments which affect historic or archaeological resources.

Weighting Category	Criteria
Major Negative	Major negative points shall be assigned to any development which adversely affects, removes or destroys historic structures located within local or national districts or destroys known archaeological resources. The Secretary of Interior's guidelines shall be used in making this determination.
Major Positive	Development which preserves, restores or enhances historic or archaeological resources.

**Policy 101.5.6**

The Residential and Non-residential Point Systems shall be monitored on an annual basis and revised as necessary to add, delete or adjust positive and negative factors which may be identified by studies prepared as part of the implementation of the Goals, Objectives and Policies of the Comprehensive Plan. Such adjustments to the Point Systems shall result in amendments to the Comprehensive Plan and/or land development regulations as appropriate. These studies include, but are not limited to:

1. the Sanitary Wastewater Master Plan (see Sanitary Wastewater Objective 901.4 and related policies);
2. the Stormwater Management Master Plan (see Drainage Objective 1001.3 and related policies);
3. the Florida Keys National Marine Sanctuary Management Plan;
4. special studies undertaken as part of the Florida Keys National Marine Sanctuary Water Quality Protection Program (see Conservation and Coastal Management Objective 202.1 and related policies);
5. the Live-Aboard Study (see Conservation and Coastal Management Objective 202.4 and related policies);



6. the Florida Keys Advance Identification of Wetlands (ADID) Program (see Conservation and Coastal Management Objective 204.1 and related policies);
7. special studies as may be completed by the U.S. Fish and Wildlife Service, the State of Florida and private researchers regarding critical habitat areas of protected plant and wildlife species;
8. the Shoreline Use Priorities Plan (see Conservation and Coastal Management Objective 212.1 and related policies);
9. the Public Access Plan (see Conservation and Coastal Management Objective 213.1 and related policies);
10. the Marina Survey and development of Marina Siting Criteria (see Conservation and Coastal Management Objective 212.4 and related policies);
11. the Freshwater Lens Study (see Drainage Objective 1101.2 and related policies);
12. development of the Florida Keys Historic Register (see Future Land Use Objective 104.2 and related policies); and
13. the Parks and Recreation Plan (see Recreation and Open Space Objective 1201.10 and related policies).

**Policy 101.5.7**

As part of the first annual review of the Residential and Non-residential Point Systems, additional criteria may be included such as:

1. North Key Largo - Negative points may be assigned for development proposed within that portion of Key Largo located between the junction of State Road 905 and U.S. Highway 1 and the Dade County boundary at Angelfish Creek.
2. Traffic Capacity - As part of the first annual review of the Residential and Non-residential Point System, positive points may be assigned for development served by US 1 segments which have surplus capacity. Negative points shall be assigned for development served by US 1 segments which have marginal capacity.
3. Offshore Islands - Negative points may be assigned to developments on offshore islands.
4. Conservation Lands - Negative points may be assigned to developments which may impact designated or proposed conservation lands.
5. Disturbed Saltmarsh and Buttonwood Wetlands - Negative points may be assigned to developments which require the placement of fill or structures in disturbed saltmarsh and buttonwood wetlands.
6. Historic Resources - Negative points may be assigned to developments which remove or destroy historic or archaeological resources. Positive points may be assigned to developments which restore or enhance historic or archaeological resources.

7. Potential Development Credits (PDCs) - An applicant may have the option of receiving positive points, called Potential Development Credits (PDCs), for transferring development rights away from a sender site for development proposed on an eligible receiver site, as specified in Objective 101.13 and related policies.

**Policy 101.5.8**

The Residential Permit Allocation Ordinance shall be amended to award a graduated scale of positive points to dwelling units which are proposed for lots within legally platted, recorded subdivisions, which are served by existing infrastructure, including at a minimum potable water, electricity and paved roadways. Maximum points shall be awarded for those projects proposed within platted subdivisions which are 67% to 100% built out; fewer points will be awarded for projects proposed for subdivisions 33% - 67% built out; and minimum points shall be awarded for projects proposed for subdivisions 0 - 33% built out. The percentage of build out shall be based upon updated, accurate data from the County's Geographic Information System (GIS). The Ordinance shall be amended when the pertinent information is readily available on the County's GIS.

**Policy 101.5.9**

Monroe County shall allow for the development of multiple-family units within the Permit Allocation System. If a project ranks high enough in the Point System for a portion of the development to receive an allocation award, but the project includes more units than are available during an allocation period, the entire project may receive allocation awards if the excess allocation is reduced from the next allocation period(s). Multi-family affordable housing or elderly housing projects shall be given priority.

**Policy 101.5.10**

Monroe County may develop a program, called Transfer of ROGO Exemption (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms, recreational vehicle spaces and mobile homes to another site in the same ROGO sub-area, provided that they are lawfully existing and can be accounted for in the County's hurricane evacuation model. In addition, the new site would not be eligible for any negative environmental points under ROGO with the exception of those properties designated Residential High. When a multiple-family housing development utilizes a TRE, any other units in that same project that are permitted through the ROGO process may be eligible for minor positive points on a one for one basis.

**Objective 101.6**

Monroe County shall expand the Monroe County Land Authority acquisition program to provide for the purchase of land from property owners who have not been awarded building permit allocations in the Permit Allocation System.

**Policy 101.6.1**

Monroe County shall, upon a property owner's request, purchase property for fair market value or permit the minimum reasonable economic use of the property, if the property owner meets the following conditions:

1. they have been denied an allocation award for four successive years in the Permit Allocation System;







2. their proposed development otherwise meets all applicable county, state, and federal regulations;
3. their allocation application has not been withdrawn;
4. they have complied with all the requirements of the Permit Allocation System; and
5. they follow the procedures for administrative relief contained in the Dwelling Unit Allocation Ordinance.

As used in this Policy, "minimum reasonable economic use" shall mean, as applied to any residentially zoned lot of record which was buildable immediately prior to the effective date of the Plan, no less than a single-family residence. "Fair market value" shall be an amount which is no less than ad valorem valuation in the Monroe County Real Property Tax Roll for the year 1992.

**Policy 101.6.2**

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners.

**Policy 101.6.3**

By January 4, 1998, Monroe County shall identify potential funding sources and seek funding from state, federal, and/or private sources to be used for acquisition of land from qualified property owners as defined by Policy 101.6.1.

**Policy 101.6.4**

The County will coordinate with DCA to ensure that DCA continues to support enhanced land acquisition efforts in the Keys based on needs identified in this comprehensive plan. This coordination shall ensure continued support of state acquisition efforts under CARL, Preservation 2000 and the Florida Communities Trust programs. The County and the Department will also support appropriate legislative changes which will have the effect of enhancing the Land Authority efforts throughout the County, and the South Florida Water Management District's acquisitions on Big Pine Key. Similarly, cooperation will continue with private acquisition efforts, such as The Nature Conservancy and the Florida Land and Sea Trust.

**Policy 101.6.5**

Monroe County shall annually compile a list prioritizing the lands requested for County acquisition due to the Permit Allocation System. The lands of the property owners who meet the criteria in Policy 101.6.1 shall be ranked according to:

1. the environmental sensitivity of the vegetative habitat, marine resources, and impacts to the quality of near shore waters as specified by the ranking in the Environmental Design Criteria section of the Land Development Regulations;
2. whether the property is in known, probable, and/or potential habitat for one or more threatened and/or endangered species, as indicated on the most recent Protected Animal Maps; and



3. whether development on the property will adversely impact successful protection and recovery of threatened or endangered species, such as development on Big Pine Key, No Name Key, Ohio Key, and North Key Largo.

Those lands considered most sensitive according to the combination of (a), (b), and (c). above shall be ranked as the highest priority for acquisition.

**Policy 101.6.6**

When considering the acquisition of lands denied building permit allocations through the Permit Allocation System, Monroe County shall base the acquisition decision upon the environmental sensitivity ranking specified in Policy 101.6.5.

**Objective 101.7**

Monroe County shall evaluate potential redevelopment areas and prepare redevelopment plans for areas determined to be in need of redevelopment. [9J-5.006(3)(b)2]

**Policy 101.7.1**

By January 4, 1998, Monroe County shall conduct a needs assessment of potential redevelopment areas. This assessment shall analyze land use changes, property values, structural conditions, business climate, renter/owner ratios, commercial and residential vacancy rates, and other indicators of economic vitality and physical living conditions for which information is available.

**Policy 101.7.2**

By January 4, 1998, Monroe County shall complete a community plan for Stock Island which shall address redevelopment needs identified by the needs assessment of potential redevelopment areas. Preparation and funding of this plan shall be coordinated with the City of Key West.

**Policy 101.7.3**

By January 4, 1998, the Board of County Commissioners shall consider adopting a Finding or Findings of Necessity as specified in the Florida Community Redevelopment Act, Chapter 163, Part III, F.S. for any area or areas where such a Finding is deemed appropriate and is supported by documented need.

**Policy 101.7.4**

By January 4, 1998, Monroe County shall prepare and adopt redevelopment plans for any area or areas for which the Board of County Commissioners adopts a Finding of Necessity.

**Policy 101.7.5**

Monroe County shall consider privately developed redevelopment plans if prepared in conformance with Chapter 163, Part III, F. S. and approved by the Board of the County Commissioners.

**Policy 101.7.6**

The Monroe County Planning Department, in coordination with the Office of Management and Budget Grants Manager, shall solicit state and federal funds to meet specific community needs for neighborhood revitalization and redevelopment identified by the needs assessment of potential redevelopment areas.

**Policy 101.7.7**

Monroe County shall coordinate redevelopment efforts with interested citizens' groups, the Monroe County Housing Authority, the Monroe County Sheriff's Department, and other appropriate local, state and federal agencies.

**Objective 101.8**

Monroe County shall eliminate or reduce the frequency of uses which are inconsistent with the applicable provisions of the land development regulations and the Future Land Use Map, and structures which are inconsistent with applicable codes and land development regulations. [9J-5.006(3)(b)3]

**Policy 101.8.1**

Monroe County shall prohibit the expansion of non-conforming uses. [9J-5.006(3)(c)2]

**Policy 101.8.2**

Monroe County shall prohibit a non-conforming use to be changed to any other use unless the new use conforms to all applicable provisions of the Future Land Use category and zoning district in which it is located.

**Policy 101.8.3**

Monroe County shall prohibit the relocation of a structure in which a non-conforming use is located unless the use thereafter conforms to the provisions of the Future Land Use category and zoning district in which it is located.

**Policy 101.8.4**

With the exception of non-conforming uses located in the Mixed Use/Commercial Fishing Future Land Use category, if a structure in which a non-conforming use is located is damaged or destroyed so as to require substantial improvement, then the structure may be repaired or restored only for uses which conform to the provisions of the Future Land Use category and zoning district in which it is located. [9J-5.006(c)2]

**Policy 101.8.5**

Substantial improvement is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the pre-destruction market value of the structure. Improvements to historic sites, and improvements to meet health, sanitary or safety code specifications are not considered substantial improvements. [9J-5.006(3)(c)2]

**Policy 101.8.6**

Non-conforming uses existing as of September 15, 1986 and located within the Mixed Use/Commercial Fishing category, as indicated on the Future Land Use Map, may be rebuilt if damaged or destroyed, provided that they are rebuilt to the preexisting use, building footprint and configuration without increase in density or intensity of use.



**Policy 101.8.7**

Monroe County shall prohibit the re-establishment of non-conforming uses which have been discontinued or abandoned. [9J-5.006(3)(c)2]

**Policy 101.8.8**

Enlargements and extensions to non-conforming structures shall be allowed, provided that:

1. the improvement does not constitute a substantial improvement;
2. a non-conforming use is not located in the non-conforming structure; and
3. the nonconformity is not further violated.

**Policy 101.8.9**

A non-conforming structure, other than a locally or nationally registered historic structure, shall not be moved unless it thereafter shall conform to the applicable provisions of the Monroe County Code.

**Policy 101.8.10**

With the following exception, non-conforming structures which are damaged or destroyed so as to require substantial improvement shall be repaired or restored in conformance with all applicable provisions of the current Monroe County Code. Substantial improvement or reconstruction of non-conforming single-family homes shall comply with the setback provisions of the Monroe County Land Development Regulations except where strict compliance would result in a reduction in lot coverage as compared to the pre-destruction footprint of the house. In such cases, the maximum shoreline setback shall be maintained and in no event, shall the shoreline setback be less than ten (10) feet from mean height water.

**Policy 101.8.11**

Existing manufactured homes which are damaged or destroyed so as to require substantial improvement shall be required to meet the most recent HUD standards, and the floodplain management standards set forth by FEMA.

**Policy 101.8.12**

If a non-conforming structure is abandoned, then such structure shall be removed or converted to a conforming structure.

**Objective 101.9**

Monroe County shall provide for drainage and stormwater management so as to protect real and personal property and to protect and improve water quality. [9J-5.006(3)(b)4]

**Policy 101.9.1**

Upon adoption of the Comprehensive Plan, Monroe County shall adopt and implement the level of service standards for stormwater management established in Drainage Policy 1001.1.1. These level of service standards ensure that at the time a development permit is issued, adequate stormwater management facilities are available to support the development concurrent with the impacts of such development. (See Drainage Objective 1001.1 and related policies.) [9J-5.006(3)(c)4]

**Policy 101.9.2**

By January 4, 1997, Monroe County shall adopt a Stormwater Management Ordinance. This ordinance shall require that all improvements for replacement, expansion or increase in capacity of drainage facilities conform with the adopted level of service standards for new development. (See Drainage Objective 1001.1 and related policies.) [9J-5.006(3)(c)4]

**Policy 101.9.3**

Monroe County shall maintain a five-year schedule of capital improvement needs for drainage facilities as part of the Capital Improvement Program. This schedule shall be updated annually. (See Drainage Objective 1001.2 and related policies.) [9J-5.006(3)(c)4]

**Policy 101.9.4**

By December 31, 1998, Monroe County, in coordination with the South Florida Water Management District (SFWMD) and the Florida Department of Environmental Protection (DEP), shall complete a Stormwater Management Master Plan. This plan shall identify improvements required to attain adopted levels of service for all existing and proposed land uses. (See Drainage Objective 1001.3 and related policies.) Prior to completion of the Stormwater Management Master Plan, but in no case later than one (1) year from the effective date of this plan, the County shall adopt land development regulations requiring xeriscape landscaping standards and other low maintenance landscaping requirements (including native vegetation ratio of 70%) in order to reduce fertilizer runoff into near shore waters. [9J-5.006(3)(c)4]

**Objective 101.10**

Monroe County shall work cooperatively with Dade County to encourage land use planning and development controls which shall protect the recharge area of the Florida City Wellfield from potential sources of groundwater contamination. [9J-5.006(3)(b)4]

**Policy 101.10.1**

Protection of the Florida City Wellfield shall be accomplished through continued implementation of the Dade County Wellfield Protection Ordinance and the water supply policies of the SFWMD. [9J-5.006(3)(c)6]

**Policy 101.10.2**

By January 4, 1998, Monroe County shall seek an interlocal agreement with Dade County. This agreement shall provide Monroe County with an opportunity to comment on land use and regulatory issues related to the Florida City Wellfield, aquifer and aquifer recharge area. It shall set forth procedures for review of land use and regulatory activities identified as having potentially significant impacts on the aquifer recharge and water supply systems. Criteria for determination of significant impacts shall be included in the interlocal agreement. [9J-5.006(3)(c)6]



**Objective 101.11**

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. [9J-5.006(3)(b)4 and 7]

**Policy 101.11.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Point System to encourage a compact pattern of development (see Objective 101.5 and supporting policies).

**Objective 101.12**

Monroe County shall ensure that sufficient acreage is available for utilities and public facilities, including education and public health facilities, required to support proposed development and redevelopment. [9J-5.006(3)(b)8]

**Policy 101.12.1**

By January 4, 1997, Monroe County shall adopt a Concurrency Management System in accordance with Policy 1401.4.5 of the Capital Improvements Element to ensure that facilities required to provide utility services to new development in order to maintain adopted LOS standards are authorized at the same time that new development is authorized. [9J-5.006(3)(c)3]

**Policy 101.12.2**

Monroe County shall, on an annual basis during the preparation of the Concurrency Management Report, coordinate with the Municipal Services District, the Florida Keys Aqueduct Authority, City Electric System and the Florida Keys Electric Cooperative to determine the acreage and location of land needed to accommodate projected service expansions. [9J-5.006(3)(c)3]

**Policy 101.12.3**

Monroe County shall, on an annual basis during the preparation of the Concurrency Management Report, coordinate with the Monroe County School Board, Fire Marshall and Sheriff's Department to identify potential acquisition sites required to accommodate projected expansions in education and public service facilities. [9J-5.006(3)(c)3]

**Policy 101.12.4**

Upon adoption of the Comprehensive Plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new or the significant expansion (greater than 25 percent) of any existing public facility:

1. assessment of needs;
2. evaluation of alternative sites and design alternatives for the selected sites; and
3. assessment of direct and secondary impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach/berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammocks and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Conservation Land Protection Areas.

**Policy 101.12.5**

Monroe County shall coordinate the siting of new public facilities with the appropriate local, state and federal agencies to resolve potential regulatory conflicts and ensure compliance with all applicable state and federal regulations. [9J-5.006(3)(c)2 and 6]

**Objective 101.13**

Monroe County shall adopt innovative Land Development Regulations which implement the Goals, Objectives and Policies of the Comprehensive Plan. Such regulations shall include a Permit Allocation System for residential and non-residential development and revisions to the existing Transferable Development Rights (TDR) regulations to address existing deficiencies in the TDR program. [9J-5.006(b)9]

**Policy 101.13.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation and Point System for new residential and non-residential development (see Policies 101.2.1, 101.3.1, and 101.5.1).

**Policy 101.13.2**

By January 4, 1998, Monroe County shall evaluate the existing TDR program and adopt Land Development Regulations which address identified deficiencies in the program. The following issues shall be considered in evaluating the program:

1. revision to the current tax policy whereby owners of sites which have transferred development rights continue to pay taxes on such rights until development orders have been issued for the transferred rights at the receiver sites;
2. establishment of criteria for designation of sender and receiver sites based upon factors such as the environmental characteristics of the land;
3. establishment of mechanisms to enhance the value and marketability of TDRs such as assigning density bonuses to receiver sites;
4. clarification of the status of sites which have transferred development rights, including the possible requirement that sender sites be dedicated as public or private open space through conservation easement or other mechanism. At a minimum, the LDRs shall be revised to require that a restrictive covenant be recorded on the sender site deed at the time of the Allocation Award for the Permit Allocation System; and
5. establishment of a management and accounting system to track TDRs.

**Policy 101.13.3**



As part of the first annual review of the Point System, an applicant in the Residential Permit Allocation System shall be awarded either one unit for each one development right transferred from an eligible sender site to an eligible receiver site (through the use of Transferable Development Rights or TDRs), or positive points in the Point System (through the uses of Potential Development Credits or PDCs).

If the applicant opts to receive PDCs, the applicant would receive positive points for transferring development rights away from a sender site to an eligible receiver site. By using this option, the applicant would forfeit the right to develop any additional units that would be granted for TDRs.

**Policy 101.13.4**

Transferable Development Rights may be used within the Residential Permit Allocation System to increase density, subject to the limitations contained in the land development regulations. The Maximum Net Density is the maximum density allowable with the use of TDRs, and shall not exceed the maximum densities established in this plan. Density transfers to Big Pine Key, No Name Key, and North Key Largo from other areas of the County shall be prohibited.

**Policy 101.13.5**

As part of the first annual review of the Point System, positive points, or "Potential Development Credits" (PDCs) shall be awarded for applications proposing non-residential development which will transfer development rights away from eligible sender sites to eligible receiver sites. PDCs shall be awarded to commercial projects for TDRs transferred from either residential or commercial zones.

**Policy 101.13.6**

In conjunction with the first annual review of the Point System, parcels within the following habitats and land use districts shall be designated as sender sites for Transferable Development Rights (TDRs) and Potential Development Credits (PDCs):

Any parcel within these zoning categories:

Offshore Island (OS)	Sparsely Settled (SS)
Mainland Native (MN)	Parks and Refuge (PR)
Native (NA)	Conservation (C)

Habitat of the following types which lie within any zoning category:

- Freshwater wetlands
- Saltmarsh/Buttonwood wetlands
- High quality high hammock
- High quality low hammock
- Moderate quality high hammock
- Moderate quality low hammock
- High quality pinelands
- Low quality pinelands

Beach/berm  
Palm Hammock  
Cactus Hammock  
Disturbed Wetlands

**Policy 101.13.7**

In conjunction with the first annual review of the Point System, the following guidelines shall be used to establish positive point awards in the Residential Permit Allocation System for each PDC:

<u>Sender Site</u>	<u>Receiver Site</u>	<u>PDC Points</u>
Freshwater wetland	scarified, in UR MU IS	most points
SR	SR (disturbed land not to include wetlands)	least points

**Policy 101.13.8**

In conjunction with the first annual review of the Point System, the following guidelines shall be used to establish point awards in the Non-residential Permit Allocation System for each PDC:

<u>Sender Site</u>	<u>Receiver Site</u>	<u>PDC Points</u>
Freshwater wetland	UC SC MU	most points
SR	SC or MU	least points

**Policy 101.13.9**

No later than one year from the effective date of this plan, when the County's Geographic Information System is fully functional, Monroe County shall map potential TDR sender and receiver sites as specified in Policies 101.13.6 through 101.13.9, and shall map parcels from which development rights have been transferred. These maps shall be updated as necessary and made available to Growth Management staff for use in the development review process.

**Objective 101.14**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which direct future growth away from areas subject to periodic flooding.

**Policy 101.14.1**

Monroe County shall discourage developments proposed within the Coastal High Hazard Area (CHHA) by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4). [9J-5.006(3)(c)1]





**Policy 101.14.2**

Monroe County shall prohibit the placement of mobile homes within the CHHA except on an approved lot within an existing mobile home park or subdivision zoned for such use. [9J-5.012(3)(c)3]

**Objective 101.15**

Monroe County shall enforce and update the existing Sign Ordinance in order to maintain and improve the visual character of the County and protect adjacent land uses.

**Policy 101.15.1**

By January 4, 1998, Monroe County shall complete an evaluation of the existing Sign Ordinance and adopt revisions to the Land Development Regulations required to correct identified deficiencies and eliminate non-conforming signage conditions. [9J-5.006(3)(c)1]

**Objective 101.16**

By January 4, 1998, Monroe County shall adopt guidelines and criteria consistent with nationally recognized standards and tailored to local conditions which provide for safe and convenient on-site traffic flow, adequate pedestrian ways and sidewalks, and sufficient on-site parking for both motorized and non-motorized vehicles.

**Policy 101.16.1**

By January 4, 1998, Monroe County shall adopt Land Development Regulations which provide for safe and convenient on-site traffic flow, adequate pedestrian ways and sidewalks, and sufficient on-site parking for both motorized and non-motorized vehicles. [9J-5.006(3)(c)4]

**Objective 101.17**

Monroe County shall create and maintain a County Geographic Information System (GIS) to provide an up-to-date database for use in implementing the goals, objectives and policies of the Comprehensive Plan.

**Policy 101.17.1**

By January 4, 1997, the Monroe County Growth Management staff shall create an up-to-date socioeconomic and physical database linked to the County Geographic Information System (GIS) for use in managing future land use. The database shall incorporate 1990 Census information.

**Policy 101.17.2**

The Monroe County Growth Management staff shall, on a quarterly basis, update the GIS and associated databases to incorporate new or updated information such as development activity, zoning changes, updated Census data, new natural resource information, etc.



**Policy 101.17.3**

Monroe County shall continue to share data with the Florida Keys Aqueduct Authority, City Electric System, South Florida Water Management District, and other agencies for use in GIS applications.

**Policy 101.17.4**

The Monroe County Growth Management Division shall coordinate with the Property Appraiser's Office to ensure existing land uses and densities and intensities of use are accurately reflected in the County's database.

**Objective 101.18**

Monroe County hereby adopts the following procedures and criteria for the determination of vested rights and beneficial use and for the effect of such determinations.

**Policy 101.18.1**

A determination of vested rights and beneficial use shall require:

1. appointment of a hearing officer who shall give notice, schedule, and conduct a public hearing on the application;
2. the preparation of a proposed Determination including findings of fact and conclusions of law which shall be submitted to the Board of County Commissioners; and
3. a final Determination that shall specify the development rights that are vested or the beneficial use to which the landowner is entitled, including:
  - a) the geographic scope of the Determination in relation to the total area of the development site;
  - b) the duration of the Determination and an expiration date;
  - c) the substantive scope of the Determination, including, but not limited to, whether the development is vested for density, concurrency, and building permit allocation;
  - d) the applicability of existing and future County land development regulations;
  - e) verification that construction timely commences and quarterly reporting requirements to ensure that the development is continuing in good faith; and
  - f) such other limitations and conditions necessary to assure compliance with the Comprehensive Plan.

**Policy 101.18.2**

1. Property owners shall have one (1) year from the effective date of the Comprehensive Plan to apply for a determination of vested rights.

2. A determination of vested rights shall be based upon one or more valid, unexpired permits or approvals issued by Monroe County prior to the effective date of this Comprehensive Plan. The determination of vested rights shall be limited to the development expressly contemplated by said permits or approvals and to those aspects of development which meet the standards and criteria of subsection 2 of this Policy.
3. The applicant for a vested rights determination shall have the burden of proving that:
  - a) the applicant has reasonably relied upon an official act by the County. For the purposes of a vested rights determination pursuant to this Comprehensive Plan, any of the following may constitute an official act:
    - (1) one or more valid, unexpired permits or approvals issued by Monroe County, provided that the zoning or land use designation of property shall not be deemed to constitute a permit or approval for the purpose of a determination of vested rights; or
    - (2) a subdivision plat recorded in the official records of Monroe County which fulfills the criteria established in Section 380.05(18), F.S.; or
    - (3) an unexpired determination of vested rights granted by the County in accordance with Section 9.5-181 through 9.5-184 of the Monroe County Land Development Regulations in effect as of September 15, 1986; or
    - (4) a valid, unexpired building permit issued prior to the effective date of this Comprehensive Plan; and
  - b) the applicant acting in good faith, has made such a substantial change of position or has incurred such extensive obligations and expenses that it would be highly inequitable or unjust to affect such rights by requiring the applicant to now conform to the comprehensive plan and land development regulations. Substantial changes of position or expenditures incurred prior to the official County act upon which the vested rights claim is based shall not be considered in making the vested rights determination; and
  - c) that the development has commenced and has continued in good faith without substantial interruption.
3. From and after the effective date of this Comprehensive Plan, landowners with a valid, unexpired Development of Regional Impact approval granted by the County shall be vested, but only with respect to the portion of the Development of Regional Impact expressly covered by such approval.

**Policy 101.18.3**

A vested rights determination shall not preclude the County from subjecting the proposed development to County land development regulations in effect on the date of the vested rights determination or adopted subsequent to the vested rights determination unless the development is shown to be vested with regard to the subject matter addressed by a prior





development order and the specific requirements pursuant to the procedures and criteria of 101.18.1 and 101.18.2.

**Policy 101.18.4**

A vested rights determination shall specify an expiration date by which all building permits necessary for development shall have been issued. The expiration date shall be reasonable and in no event later than the date specified in the original development order.

**Policy 101.18.5**

1. It is the policy of Monroe County that neither the provisions of this Comprehensive Plan nor the Land Development Regulations shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the date of adoption of this Comprehensive Plan. Accordingly, Monroe County shall adopt a beneficial use procedure under which an owner of real property may apply for relief from the literal application of applicable land use regulations or of this plan when such application would have the effect of denying all economically reasonable use of that property unless such deprivation is shown to be necessary to prevent a nuisance or to protect the health, safety and welfare of its citizens under Florida Law. For the purpose of this policy, all reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by current land use case law.
2. The relief to which an owner shall be entitled may be provided through the use of one or a combination of the following:
  - a) granting of a permit for development which shall be deducted from the Permit Allocation System;
  - b) granting of use of transferable development rights (TDRs);
  - c) Government purchase of all or a portion of the lots or parcels upon which all beneficial use is prohibited. This alternative shall be the preferred alternative when beneficial use has been deprived by application of Division 8 of the Land Development Regulations;
  - d) such other relief as the County may deem appropriate and adequate.

The relief granted shall be the minimum necessary to avoid a "taking" of the property under state and federal law.

3. Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the Comprehensive Plan and Land Development Regulations unless specifically exempted from such requirements in the final beneficial use determination.

**Objective 101.19**

Monroe County recognizes that there presently exists a significant excess of platted residential subdivision lots relative to the County's carrying capacity based upon hurricane evacuation, traffic circulation, water quality and marine resources, and other level of service standards. The County further recognizes that lot owners who are unaware that they will be subject to the

County's land development regulations may have unrealistic expectations concerning their ability to receive building permits. In order to avoid, to the extent possible, further unrealistic development expectations, Monroe County shall not approve a preliminary or final plat unless development of the plat would meet all of the requirements of Monroe County's land development regulations including, but not limited to, minimum area requirements for a single-family residence. Under no circumstances shall Monroe County approve a plat which creates an unbuildable lot.

**Policy 101.19.1**

The County shall not approve plats for residential use unless a review of the proposed plat shows that the plat will meet all requirements of the comprehensive plan and land development regulations. [9J-5.006(3)(c)1]

**Policy 101.19.2**

Monroe County shall require that, upon approval, all plats include the following notice:

**NOTICE TO LOT PURCHASERS AND ALL OTHER CONCERNED INDIVIDUALS**

Purchase of a platted lot shown hereon confers no right to build any structure on such lot, nor to use the lot for any particular purpose, nor to develop the lot. The development or use of each lot is subject to, and restricted by, the goals, objectives, and policies of the adopted comprehensive plan and land development regulations implementing the plan; therefore, no building permits shall be issued by the County unless the proposed development complies with the comprehensive plan and land development regulations.

**Objective 101.20**

Monroe County shall address local community needs while balancing the needs of all Monroe County communities. These efforts shall focus on the human crafted environment and shall be undertaken through the LivableCommuniKeys Planning Program.

**Policy 101.20.1**

Monroe County shall develop a series of Community Master Plans. Master Plans will be developed in accordance with the following principles:

1. Each Community Master Plan will contain a framework for future development and redevelopment including the designation of growth boundaries and future acquisition areas for public spaces and environmental conservation;
2. Each Community Master Plan will include an Implementation Strategy composed of action items, an implementation schedule, and a monitoring mechanism to provide accountability to communities;
3. Each Community Master Plan will be consistent with existing Federal and State requirements and overall goals of the 2010 Comprehensive Plan to ensure legal requirements are met. While consistency with the goals of the 2010 Comprehensive Plan is paramount, the 2010 Plan will be updated and amended where appropriate;
4. Each Community Master Plan will be closely coordinated with other community plans and other jurisdictions to ensure development or redevelopment activities will not adversely impact those areas;

5. Each Community Master Plan will include appropriate mechanisms allowing citizens continued oversight and involvement in the implementation of their plans. Through the Community Master Plans, programs for ongoing public involvement, outreach, and education will be developed;
6. Each Community Master Plan will include a Capital Improvements program to provide certainty that the provision of public facilities will be concurrent with future development;
7. Each Community Master Plan will contain an environmental protection element to maintain existing high levels of environmental protection as required in the 2010 Comprehensive Plan;
8. Each Community Master Plan will include a community character element that will address the protection and enhancement of existing residential areas and the preservation of community character through site and building guidelines. Design guidelines for public spaces, landscaping, streetscaping, buildings, parking lots, and other areas will be developed through collaborative efforts of citizens, the Planning Department, and design professionals reinforcing the character of the local community context;
9. Each Community Master will include an economic development element addressing current and potential diversified economic development strategies including tourism management. The preservation and retention of valued local businesses, existing economies, and the development of economic alternatives will be encouraged through the process;
10. Each Community Master Plan will contain a Transportation Element addressing transportation needs and possibilities including circulation, safe and convenient access to goods and services, and transportation alternatives that will be consistent with the overall integrity of the transportation system not resulting in negative consequences for other communities; and
11. Each Community Master Plan will be based on knowledge of existing conditions in each community. The Planning Department will compile existing reports, databases, maps, field data, and information from other sources supplemented by community input to document current conditions; and
12. Each Community Master Plan will simplify the planning process providing clarity and certainty for citizens, developers, and local officials by providing a transparent framework for a continuing open dialogue with different participants involved in planning issues.



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## **GOAL 102**

Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. [9J-5.006(3)(a)]

### **Objective 102.1**

Upon adoption of the Comprehensive Plan, Monroe County shall require new development to comply with environmental standards and environmental design criteria which will protect disturbed wetlands, native upland vegetation and beach/berm areas. [9J-5.006(3)(b)1 and 4]

#### **Policy 102.1.1**

Upon adoption of the Comprehensive Plan, the County shall utilize the Environmental Standards, found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (hereby incorporated by reference) to protect submerged lands and wetlands. Accordingly, the open space requirement shall be one hundred (100) percent of the following types of wetlands:

1. submerged lands;
2. mangroves;
3. salt ponds;
4. freshwater wetlands and
5. freshwater ponds.

Upon adoption of the Comprehensive Plan the County shall further protect its wetlands by requiring a one hundred (100) percent open space requirement for undisturbed salt marsh and buttonwood wetlands and by requiring a 50 foot buffer around freshwater resources.

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity. [9J-5.006(3) (c) 1 and 6]

### **Objective 102.2**

Upon adoption of the Comprehensive Plan, Monroe County shall adopt revisions to the Environmental Standards (Section 9.5-335) and Environmental Design Criteria (Section 9.5-345) of the Land Development Regulations. These revisions will require new development to further protect disturbed wetlands, native upland vegetation and beach/berm areas. [9J-5.006(3)(b)1 and 4]

#### **Policy 102.2.1**

Monroe County shall adopt revised environmental standards and environmental design criteria as indicated in Conservation and Coastal Management Policy 204.2.6. These revised standards and criteria will eliminate the net loss of disturbed wetlands. Where possible, on-site mitigation shall be required in order to offset any loss of disturbed wetlands by requiring revegetation of an area equal or greater in size than the area proposed for fill. If on-site mitigation is not possible, restoration fees shall be paid pursuant to a wetlands restoration fund. [9J-5.006(3)(c)1 and 6; also see Policy 204.3.1 and 204.3.4]

#### **Policy 102.2.2**

Monroe County shall adopt revised environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management Objective 205.2. These revised standards and criteria will protect native

upland vegetation and promote restoration of habitat values of native upland communities, including hardwood hammocks and pinelands. [9J-5.006(3)(c)6]

### **Policy 102.2.3**

Monroe County shall adopt revised environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management Objective 206.1. These revised standards and criteria will protect beach/berm resources. They will address permitted uses, siting of structures, disturbances, removal of invasive vegetation, and restoration of native vegetation in beach/berm areas. [9J-5.006(3)(c)1 and 6]

### **Objective 102.3**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which will direct new development to areas having appropriate topography and soil conditions and to where site disturbance and man's activities will have fewer adverse effects on natural vegetation, terrestrial wildlife, natural landforms and marine resources. [9J-5.006(3)(b)1 and 4]

### **Policy 102.3.1**

The Permit Allocation System (see Future Land Use Objectives 101.2 through 101.4 and related policies) shall have the following environmental protection goals:

1. to reduce the exposure of residents to natural hazards;
2. to reduce disturbances to natural vegetation resource areas;
3. to reduce disturbances to terrestrial wildlife resources areas;
4. to reduce impacts of new development on groundwater and nearshore waters;
5. to ensure that the ecological integrity of natural areas is protected when land is developed; and
6. to reduce adverse impacts on endangered and threatened species.

Accordingly, the Point System, which shall be used as the basis for the annual allocation of permits, shall assign negative and/or positive points to development applications based upon:

1. the occurrence of natural resources or natural hazards; and/or
2. proposed utilization of best management practices for wastewater treatment and disposal which will avoid or mitigate the adverse impacts of development on natural resources, particularly water quality.

(See Future Land Use Objective 101.5 and related policies for a list of positive and negative factors to be included in the Permit Allocation System.) [9J-5.006(3)(c)1 and 6]

### **Policy 102.3.2**

Monroe County shall require development clustering so as to avoid impacts on sensitive habitats and to provide for the preservation of all required open space in a contiguous, non-fragmented condition by requiring the following:

1. when a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least sensitive portion(s) of the parcel (as is currently required); and
2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel. (See Conservation and Coastal Management Policy 205.2.3). [9J-5.013(2)(c)3]



**Objective 102.4**

By January 4, 1998, Monroe County shall establish the Monroe County Natural Heritage and Park Program. The purpose of this program shall be to acquire lands and open space in the public interest for conservation and recreation purposes. [9J-5.006(3)(b)4]

**Policy 102.4.1**

The Monroe County Natural Heritage and Park Program shall be developed and implemented by the Growth Management Division, in cooperation with the Parks and Recreation Board and other knowledgeable county and state agencies. [9J-5.006(3)(c)4 and 6]

**Policy 102.4.2**

The Land Authority and the Growth Management Division shall identify the types of lands which shall be considered for acquisition. These shall include, at a minimum:

1. lands containing naturally occurring and native habitats;
2. lands containing habitat critical to, or providing significant protection for, species designated as threatened or endangered by the U.S. Fish and Wildlife Service and/or the State of Florida;
3. lands containing unique geologic features;
4. lands whose conservation would enhance or protect water quality or would protect fish or wildlife habitat, which cannot be adequately protected through local, state and federal regulatory programs;
5. lands which can be used, without adverse impacts on natural resources, for community and neighborhood parks and/or public beaches; and
6. lands which offer the opportunity for preservation of significant archaeological or historical sites. [9J-5.006(3)(c)4 and 6]

**Policy 102.4.3**

The Land Authority and Growth Management Division shall develop a priority list of Natural Heritage and Park acquisition sites. This list shall be updated annually. In formulating this list, the County will consider freshwater lenses and recharge areas, especially those which overlap the habitats of endangered or threatened wildlife species, as a high priority. [9J-5.006(3)(c)4 and 6]

**Policy 102.4.4**

An acquisition financing plan shall be developed annually which identifies potential sources of funding for acquisition for lands on the Priority List. Funding sources which shall be considered include the following:

1. Florida Recreation Development Assistance Program;
2. Preservation 2000 Trust Fund
3. Conservation and Recreation Lands (CARL) Program;

4. Land and Water Conservation Fund;
5. Urban Parks and Recreation Recovery (UPARR) Action Grants;
6. local funds made available from fair share community park impact fees (paid pursuant to the Monroe County Land Development Regulations); and
7. Local funds as may be made available through special appropriation by the Monroe County Board of County Commissioners. [9J-5.006(3)(c)4 and 6]

**Policy 102.4.5**

The Growth Management Division shall, in coordination with the Grants Manager, make applications to funding sources as identified in the annual acquisition financing plan. [9J-5.006(3)(c)4 and 6]

**Policy 102.4.6**

Lands acquired through the Natural Heritage and Park Program shall be managed to preserve and protect the conservation and recreation purposes for which the lands were acquired. (See Recreation and Open Space Objective 1201.11 and related policies.) [9J-5.006(3)(c)4 and 6]

**Objective 102.5**

Monroe County shall develop and implement a water quality protection program. This program shall address existing sources of water pollution in nearshore waters of the Florida Keys. It shall be undertaken in cooperation with EPA, DER, SFWMD, and NOAA, and shall be part of the for the Florida Keys National Marine Sanctuary. [9J-5.006(3)(b)4]

**Policy 102.5.1**

Monroe County shall develop and implement permitting, inspection, and enforcement procedures designed to reduce pollutant discharges into ground and surface waters from:

1. on-site disposal systems (by January 4, 1998) (see Sanitary Sewer Goal 901 and related objectives and policies);
2. secondary sewage treatment plants and injection wells (by January 4, 1998) (see Sanitary Sewer Goal 901 and related objectives and policies);
3. moored/anchored vessels (liveaboards) in near-shore waters (by January 4, 1998) (see Conservation and Coastal Management Objective 202.4 and related policies);
4. marinas and fueling facilities (by January 4, 1998) (see Conservation and Coastal Management Element Objective 202.5 and related policies); and
5. stormwater runoff (by January 4, 1997) (see Drainage Goal 1001 and related objectives and policies). [9J-5.006(3)(c)4 and 6]

**Policy 102.5.2**

By January 4, 1997, Monroe County shall take actions to support and promote enforcement of wastewater discharge permits for seafood processing facilities and other

industrial dischargers. (See Conservation and Coastal Management Objectives 202.5 and 202.6.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.3**

By January 4, 1998, Monroe County shall develop and implement a boating impacts management program designed to reduce adverse impacts on water quality and living marine resources associated with recreational boating. (See Conservation and Coastal Management Objective 203.6 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.4**

By January 4, 1997, Monroe County shall adopt revisions to the Monroe County Land Development Regulations which will implement county policies controlling pollutant discharges into surface waters from dredge and fill activities. (See Conservation and Coastal Management Objective 202.8 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.5**

By January 4, 1997, Monroe County shall develop and implement a soil erosion and sedimentation control program. This program shall be designed to reduce pollutant discharges into surface waters due to soil erosion and sedimentation. (See Conservation and Coastal Management Objective 202.10 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.6**

By January 4, 1998, Monroe County shall take actions to promote mosquito control techniques which will reduce the entry of pollutants from aerial pesticide applications into ground and surface waters in concert with ongoing efforts of EPA and the Florida Keys National Marine Sanctuary. (See Conservation and Coastal Management Objective 202.11 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.7**

Monroe County shall support and encourage efforts by DER and HRS to continue to undertake activities designed to reduce pollutant discharges into ground and surface waters from aboveground and underground fuel storage tanks. (See Conservation and Coastal Management Objective 202.12 and related policies.) [9J-5.006(3)(c)4 and 6]

**Policy 102.5.8**

By January 4, 1998, Monroe County shall undertake activities which support existing state and federal laws pertaining to the handling, transportation and disposal of hazardous wastes. (See Solid Waste Objective 801.5 and related policies.) [9J-5.006(3)(c)4 and 6]

**Objective 102.6**

Development of the mainland area of Monroe County shall be controlled so as to reduce public expenditures and to preserve the wilderness state of the area, as defined under the Wilderness Act. [9J-5.006(3)(b)4]

**Policy 102.6.1**

Monroe County hereby incorporates by reference the existing management plans for Everglades National Park and Big Cypress National Preserve (U.S. Department of the Interior, National Park Service, 1989). [9J-5.006(3)(c)6]





**Policy 102.6.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations pertaining to the Mainland Native Area District which:

1. prohibit construction of any roads or canals in mainland Monroe County that would permit new access into the mainland wilderness area or would alter the natural flow regimes of the Everglades or Big Cypress Swamp; and
2. prohibit development that would introduce human activities or habitations into the undisturbed portions of Everglades National Park or Big Cypress Swamp National Preserve. [9J-5.006(3)(c)6]

**Objective 102.7**

Monroe County shall regulate land use activities on the islands in the surrounding waters of Florida Bay and Hawk Channel within the legal boundaries of Monroe County. [9J-5.012(3)(b)1 and 4; 9J-5.006(3)(b)4]

**Policy 102.7.1**

By January 4, 1998, Monroe County shall expand its Geographic Information System to include the following:

1. offshore islands in the Upper, Middle and Lower Keys (in public and private ownership);
2. upland and wetland vegetation data for offshore islands in private ownership;
3. land use data for offshore islands in private ownership; and
4. public facilities and services.

Data shall be obtained using digital information made available to Monroe County through the Florida Advance Identification of Wetlands (ADID) Program and from the Florida Keys National Marine Sanctuary Management Plan program. [9J-5.006(3)(c)6]

**Policy 102.7.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which will further restrict the activities permitted on offshore islands. These shall include the following:

1. development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery or nesting area (see Conservation and Coastal Management Policy 207.1.3.);
2. campgrounds and marinas shall not be permitted on offshore islands;
3. new mining pits shall be prohibited on offshore islands;
4. permitted uses by-right on islands (which are not bird rookeries) shall include detached residential dwellings, camping (for the personal use of the owner of the

property on a temporary basis), beekeeping, accessory uses, and home occupations (subject to a special use permit requiring a public hearing);

5. temporary primitive camping by the owner, in which no land clearing or other alteration of the island occurs, shall be the only use of an offshore island which may occur without necessity of a permit;
6. the use of any motorized vehicles including, but not limited to, trucks, carts, buses, motorcycles, all-terrain vehicles and golf carts shall be prohibited on existing undeveloped offshore islands;
7. planting with native vegetation shall be encouraged whenever possible on spoil islands; and
8. public facilities and services shall not be extended to offshore islands. [9J-5.006(3)(c)6]

**Policy 102.7.3**

Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.7). [9J-5.006(3)(c)6]

**Objective 102.8**

Monroe County shall take actions to discourage private development in areas designated as units of the Coastal Barrier Resources System. [9J-5.006(3)(b)4]

**Policy 102.8.1**

Monroe County shall discourage developments which are proposed in units of Coastal Barrier Resources System (CBRS) by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4). (See Objectives 101.2, 101.3, and 101.5 and related policies) [9J-5.006(3)(c)6]

**Policy 102.8.2**

Upon adoption of the Comprehensive Plan, Monroe County shall not create new access via new bridges, new causeways, new paved roads or new commercial marinas to or on units of the Coastal Barrier Resources System (CBRS). [9J-5.005(3)(c)6]

**Policy 102.8.3**

By January 4, 1997, shoreline hardening structures, including seawalls, bulkheads, groins, rip-rap, etc., shall not be permitted along shorelines of CBRS units. [9J-5.006(3)(c)6]

**Policy 102.8.4**

By January 4, 1998, privately-owned undeveloped land located within the CBRS units shall be considered for acquisition by Monroe County for conservation purposes through the Monroe County Natural Heritage and Park Program. [9J-5.006(3)(c)6]





**Policy 102.8.5**

Upon adoption of the Comprehensive Plan, Monroe County shall initiate efforts to discourage the extension of facilities and services provided by the Florida Keys Aqueduct Authority and private providers of electricity and telephone service to CBRS units. These efforts shall include providing each of the utility providers with:

1. a map of the areas of Monroe County which are included in CBRS units;
2. a copy of the Executive Summary in Report to Congress: Coastal Barrier Resources System published by the U.S. Department of the Interior, Coastal Barriers Study Group, which specifies restrictions to federally subsidized development in CBRS units;
3. Monroe County policies regarding local efforts to discourage both private and public investment in CBRS units; and
4. Monroe County regulations regarding development in CBRS units, including the Permit Allocation System regulations, which commits negative points for development in CBRS units. (See Policy 101.5.4.) [9J-5.006(3)(c)6]

**Objective 102.9**

By January 4, 1998, Monroe County shall complete and implement a cooperative land management program for private and county-owned lands located within and adjacent to parks and conservation lands which are owned by the state and federal governments in the Florida Keys. [9J-5.006(3)(b)4]

**Policy 102.9.1**

Monroe County shall discourage developments which are proposed within Conservation Land Protection Areas (as defined in Policy 102.9.3 below) by methods including, but not limited to, negative points into the Permit Allocation and Point System (see Policy 101.5.7). (See Objectives 101.2, 101.3 and 101.5 and related policies.) [9J-5.006(3)(c)6]

**Policy 102.9.2**

Upon adoption of the Comprehensive Plan, Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate Conservation Land Protection Area planning efforts for each of the conservation lands in Monroe County. The purpose of these planning efforts will be to identify current and future land use activities which are causing, or have the potential for causing, adverse impacts on sensitive natural features and natural resources within state and federal conservation lands. Land use activities of concern shall include both public and private actions. Monroe County shall complete Conservation Land Protection Area plans for each of the conservation lands in Monroe County by January 4, 1998. [9J-5.006(3)(c)3]

**Policy 102.9.3**

Upon adoption of the Comprehensive Plan, Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate efforts to identify a Conservation Land Protection Area for each conservation area owned by the state and federal governments in the Florida Keys.

These Conservation Land Protection Areas shall include:

1. private lands located within existing park and conservation land boundaries; and

2. private lands and county-owned lands within a designated buffer adjacent to each conservation land.

Buffer areas shall be designated on an individual case basis and shall reflect the resource protection concerns and land ownership patterns specific to a particular conservation land.

Conservation lands for which a Conservation Land Protection Area shall be designated include the following:

1. Fort Jefferson National Monument
2. National Key Deer Refuge
3. Great White Heron National Wildlife Refuge
4. Key West National Wildlife Refuge
5. Crocodile Lake National Wildlife Refuge
6. John Pennekamp Coral Reef State Park
7. Long Key State Recreation Area
8. Bahia Honda State Park
9. Key Largo Hammock State Botanical Site
10. Lignumvitae Key State Botanical Site
11. Windley Key State Geological Site
12. Indian Key State Historic Site
13. Lignumvitae Key State Aquatic Preserve
14. Biscayne Bay-Card Sound State Aquatic Preserve
15. San Pedro Archaeologic Aquatic Preserve
16. Coupon Bight State Aquatic Preserve
17. North Key Largo Hammock CARL Project
18. North Layton Hammock CARL Project
19. Curry Hammock State Park
20. Coupon Bight/Key Deer CARL Project
21. Cowpen's Rookery Preserve
22. Save Our Rivers Big Pine Key Project
23. Fort Taylor State Historic Site
24. Shell Key Aquatic Preserve

#### **Policy 102.9.4**

By January 4, 1998, Monroe County, in cooperation with appropriate state and/or federal agencies, shall develop a management plan for each Conservation Land Protection Area. These plans shall identify actions to be taken by Monroe County within the Conservation Land Protection Area in support of the purpose for which each conservation land was acquired. These actions shall include:

1. land management actions for private lands and county-owned lands, particularly as they relate to:
  - a) critical species protection;
  - b) invasive plant removal;
  - c) restoration of disturbed wetland and upland habitat;
  - d) pesticide applications;
  - e) prescribed burning; and

- f) activities which have potential adverse impacts on nearshore water quality.
- 2. recommendations regarding permitting of shoreline structures, dredging and filling and substrate alteration;
- 3. actions to maintain and/or improve public access to state and federal conservation lands;
- 4. strategies for working cooperatively with private landowners in support of conservation; and
- 5. future intergovernmental coordination with state and/or federal agencies controlling and/or managing the conservation land. [9J-5.006(3)(c)6]

**Policy 102.9.5**

Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each Conservation Land Protection Area and management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(c)6]

**Policy 102.9.6**

Within eighteen months following acquisition of additional conservation lands by the state and federal governments, the County shall, in cooperation with appropriate state and/or federal agencies, designate a Conservation Lands Protection Area for the newly acquired property and complete a management plan. (These actions shall be required only for acquisitions which are not expansions of existing conservation lands.) [9J-5.006(3)(c)6]

**GOAL 103**

Monroe County shall implement regulations and programs to address the special environmental protection and/or traffic circulation needs of those areas of Big Pine Key, North Key Largo, Holiday Isles and Ohio Key formerly described as the Areas of Critical County Concern (ACCC) in the 1986 version of the Comprehensive Plan and Land Development Regulations. The Goals, Objective and Policies of this Plan will replace the Focal Point Plans. [9J-5.006(3)(b)1 and 4]

**Objective 103.1**

Monroe County shall regulate future development and coordinate the provision of public facilities on Big Pine Key and No Name Key, consistent with the Goals, Objectives, and Policies of this Comprehensive Plan, in order to:

- (a) protect the Key deer (Odocoileus virginianus clavium);
- (b) preserve and enhance the habitat of the Key deer;
- (c) limit the number of additional vehicular trips from other islands to Big Pine Key;
- (d) maintain the rural, suburban, and open space character of Big Pine Key; and
- (e) prevent and reduce adverse secondary and cumulative impacts on Key Deer.

**Policy 103.1.1**

The purpose of this policy is to insure the long-term viability of the Key deer by directing development away from those areas necessary to protect the Key deer habitat from the impacts of development. It is recognized that the viability of the endangered Key deer depends on the control of both direct (primary) and indirect (secondary) impacts resulting from development. Development on Big Pine Key and No Name Key may be allowed only in accordance with the permit allocation system. In order to protect the amount and quality of habitat areas necessary to promote the recovery of the Key deer, single family housing units and mobile home units shall not exceed eight (8) per year, including affordable housing units. Non-residential development shall not exceed 239 square feet for each new residential unit permitted under the permit allocation system. Monroe County shall deny approval of any public or private non-residential development proposed for Big Pine Key or No Name Key if the development would generate more than 100 trips per 1000 square feet per day or attract more than 25 vehicular trips per 1000 square feet per day or a total of 100 vehicular trips per day from beyond Big Pine Key or No Name Key. However, redevelopment and development activities which do not generate new vehicular trips and do not result in loss of habitat shall not be prohibited by this policy. In order to protect the accessibility to the Key deer of all areas within their range which are required to meet all of their life-cycle and genetic need, the units shall be directed away from Key deer corridors by application of the point criteria in Policies 101.5.4(8) and 101.5.5(7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.1.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which replace the existing ACCC zoning designation on all parcels within that area of Big Pine Key formerly described as the ACCC in the 1986 version of the Comprehensive Plan and Land Development Regulations with zoning categories consistent with the land use categories shown on the Future Land Use Map. These land use categories are based on natural resource constraints as well as the degree of existing improvement as described below:

1. all subdivisions currently designated IS (ACCC), within which improvements are in place and which are substantially developed or disturbed (i.e., Port Pine Heights, Eden Pines Colony, and a portion of Koehn's), shall be assigned a zoning category consistent with the Residential Medium land use category;
2. all subdivisions currently designated SS (ACCC), within which some improvements have been made and which are partially developed or disturbed (i.e., Pine Heights, Pine Ridge, and a portion of Koehn's), shall be assigned a zoning category consistent with the Residential Low land use category;
3. all subdivisions currently designated (ACCC), within which some improvements have been made and which are partially developed or disturbed (i.e., Pine Key Acres and the western portion of Palm Villa within the ACCC), shall be assigned a zoning category consistent with the Residential Low land use category;

4. all other subdivisions currently designated (ACCC) but within which there is little or no disturbance or development (i.e., Sea View, Pine Grove, and Pine Crest), shall be assigned a zoning category consistent with the Residential Conservation land use category; and
5. all unplatted, unsubdivided land will be assigned a zoning category consistent with the Residential Conservation land use category.

These land use categories are consistent with the natural resource value of these lands. All potential development, regardless of the underlying maximum permitted densities, will be subject to all federal, state and local regulations.

**Policy 103.1.3**

Monroe County shall identify Key deer habitat areas as priority acquisition sites for conservation purposes. Emphasis shall be placed upon acquisition of movement corridors, sources of fresh water, and undisturbed native vegetation areas which are located within Improved Subdivisions and which are outside of the acquisition areas identified by the FWS (for the National Key Deer Refuge), DNR (for the Coupon Bight CARL Project), and SFWMD (for the Big Pine Key Save Our Rivers project). Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Objective 102.4 and related policies.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.1.4**

Monroe County shall support, wherever possible, the efforts of federal agencies, state agencies, and private non-profit conservation organizations, to acquire land for conservation purposes within habitat areas of the Key deer. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.1.5**

Special measures shall be implemented to protect the quantity and quality of groundwater recharge to the freshwater lenses. Commercial use of the freshwater lens shall be discouraged. (See Natural Groundwater Aquifer Recharge Element Objective 1101.3 and related policies.) 9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6). By September 30, 1998, Monroe County and the South Florida Water Management District shall document the extent and quality of the fresh groundwater lens system on Big Pine Key. Associated recharge areas shall also be delineated. The County and the South Florida Water Management District shall cooperatively determine the safe yield of the system; estimate impacts of existing and potential future withdrawals on the lens system and other natural resources including wetlands, and Key deer habitat and populations; and as necessary, develop measures, such as amendments to District water use permitting criteria, and Monroe County land development regulations to protect the system. The U.S. Fish and Wildlife Service shall participate in this effort as necessary.



**Policy 103.1.6**

Monroe County shall monitor FKAA compliance with federal regulations prohibiting potable water hookups to designated habitat areas of the Key deer (pursuant to FKAA Rules Chapter 48-7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.1.7**

Upon adoption of the Comprehensive Plan, Monroe County shall initiate a cooperative land management planning program for private and county-owned lands located within and adjacent to state and federal government-owned parks and conservation lands which are in or affected by land uses on Big Pine Key and No Name Key, including:

1. National Key Deer Refuge;
2. Save Our Rivers/Big Pine Key Wetlands Slough Project;
3. Coupon Bight/Key Deer CARL Project; and
4. Coupon Bight State Aquatic Preserve.

Monroe County shall complete these planning efforts and implement the land management plans by January 4, 1998. (See Objective 102.9 and related policies.) [9J-5.006(3)(c)6]

**Policy 103.1.8**

Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status, including the Key deer. The HEI shall be revised to include, at a minimum, the following:

1. a written methodology for completing the HEI;
2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and
3. evaluation criteria which will better differentiate high, medium and low quality habitat

Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J-5.013(2)(c)3]

**Policy 103.1.9**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations pertaining to development siting and clustering so as to avoid the consumption and fragmentation of Key deer habitat by requiring the following:

1. when a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least sensitive portion(s) of the parcel (as is currently required); and

2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel. (See Conservation and Coastal Management Policy 205.2.3.) [9J-5.013(2)(c)3]

**Policy 103.1.10**

Upon adoption of the Comprehensive Plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new public facilities or the significant expansion (greater than 25 percent) of existing public facilities required to support development on Big Pine Key or No Name Key:

1. assessment of needs;
2. evaluation of alternative sites and design alternatives for the selected sites; and
3. assessment of impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach/berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammocks and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Conservation Land Protection Areas. Monroe County shall require that public facilities be developed consistent with the criteria described in Policy 103.1.1 and shall support whenever possible the location of public facilities off of Big Pine Key and No Name Key.

**Policy 103.1.11**

By January 4, 1998, Monroe County, in conjunction with FDOT, shall implement the following environmentally sensitive Transportation System Management (TSM) techniques to relieve localized traffic constraints on Big Pine Key:

1. petition the FDOT to lower the US-1 daytime speed limit on Big Pine to 35 mph and to offset this impact on overall travel speeds by raising the speed limit elsewhere;
2. re-time the traffic signal at the Key Deer Boulevard/US 1/Chapman Street intersection;
3. request the FDOT to propose alternative solutions to assist in resolving the traffic problems on Big Pine Key. [9J-5.006(3)(c)3]

**Policy 103.1.12**

By January 4, 1998, Monroe County shall initiate a traffic engineering and environmental impact study to determine the feasibility, cost and environmental impacts of enhancing traffic capacity on Big Pine Key. This study will evaluate several alternatives to enhancing traffic capacity on US 1 in order to meet traffic circulation concurrency management constraints, including:

1. a three-lane, at grade section;
2. a roadway section with elevated roadways, frontage roads and Key deer underpasses;
3. an at-grade roadway section with a fencing program along US-1 to control Key deer crossing;



4. reducing the speed limit of US-1 on Big Pine Key; and
5. adding traffic signals.

For each of these alternatives, the study shall evaluate the feasibility, costs, and effectiveness of each of the alternatives, as well as the associated environmental impacts which may threaten the successful protection and recovery of the Key deer. The environmental impacts to be evaluated will, at a minimum, include the potential for:

1. increased Key deer road kills;
2. secondary development (i.e., increased development potential) and associated loss of habitat and increased vehicular traffic; and
3. disruption of natural Key deer behaviors, including breeding and seasonal migration patterns.

No additional through-traffic lanes on US 1 will occur without an overpass or other mitigating measure or design feature to ensure the successful protection and recovery of the Key deer.

**Policy 103.1.13**

Monroe County, in conjunction with the FWS, shall implement activities to prohibit the destruction of the federally-designated endangered Key deer and to protect its habitat by addressing:

1. enforcement of animal control laws;
2. incorporation of management guidelines into development orders;
3. construction of fences;
4. roadside management techniques;
5. feeding laws;
6. speed limit enforcement;
7. removal of invasive plants;
8. distribution of management guidelines to private landowners;
9. attainment of Key deer management objectives; and (See Conservation and Coastal Management Objective 207.7 and supporting policies.) [9J-5.012(3)(b)1; 9J-5.013(2)(b)6]
10. secondary and cumulative impacts by, among other things, adopting and implementing appropriate land development regulations.

**Policy 103.1.14**

Monroe County shall discourage tour groups on Big Pine Key. (See Conservation and Coastal Management Policy 207.7.7.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.1.15**

Monroe County shall restore, where practicable, disrupted wetland and native upland vegetation systems on County-owned public lands on Big Pine Key and No Name Key in order to improve Key deer habitat. (See Conservation and Coastal Management Goal 210 and related objectives and policies.) [9J-5.012(3)(a); 9J-5.013(2)(a)]

### **Objective 103.2**

Monroe County, in coordination with the FWS, shall regulate future development and coordinate the provision of public facilities in North Key Largo consistent with the Goals, Objectives and Policies of this Comprehensive Plan in order to maintain the rural and open space character of North Key Largo, as well as to preserve and enhance the habitat of four (4) species of animals listed as endangered under the Endangered Species Act, including the American crocodile (*Crocodylus acutus*), the Key Largo wood rat (*Neotoma floridana smalli*), the Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*), and the Schaus' swallowtail butterfly (*Heraclides aristodemus ponceanus*). North Key Largo is defined as that portion of Key Largo Located between the junction of State Road 905 and U.S. Highway 1 and the Dade County boundary at Angelfish Creek. [9J-5.006(3)(b)1 and 4]

#### **Policy 103.2.1**

Upon adoption of the Comprehensive Plan, Monroe County shall implement methods including, but not limited to, the Permit Allocation and Point System in order to discourage developments proposed within hammocks (identified pursuant to Conservation and Coastal Management Policy 207.10.1) used by Schaus' swallowtail butterfly and the lands in the North Key Largo Hammocks CARL Project Acquisition Area. (See Policy 101.5.4.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

#### **Policy 103.2.2**

Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status, including the American crocodile, the Key Largo wood rat, the Key Largo cotton mouse, and the Schaus' swallowtail butterfly. The HEI shall be revised to include, at a minimum, the following:

1. a written methodology for completing the HEI;
2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and
3. evaluation criteria which will better differentiate high, medium and low quality habitat

Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J-5.013(2)(c)3]

**Policy 103.2.3**

By January 4, 1997, Monroe County shall adopt revisions to the Land Development Regulations pertaining to development siting and clustering so as to avoid impacts on sensitive habitats and to provide for the retention of contiguous open space by requiring the following:

1. when a parcel proposed for development contains more than one (1) habitat type, all development shall be clustered on the least sensitive portion(s) of the parcel (as is currently required); and
2. development permitted on the least sensitive portion(s) of a parcel shall be clustered within that portion(s) of the parcel. (See Conservation and Coastal Management Policy 205.2.3.) [9J-5.013(2)(c)3]

**Policy 103.2.4**

Upon adoption of the Comprehensive Plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new public facilities or the significant expansion (greater than 25 percent) of existing public facilities:

1. assessment of needs
2. evaluation of alternative sites and design alternatives for the selected sites; and
3. assessment of impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach/berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammocks and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Conservation Land Protection Areas.

Monroe County shall require that public facilities be developed on the least environmentally sensitive lands and shall prohibit the location of public facilities on North Key Largo, unless no feasible alternative exists and such facilities are required to protect the public health, safety, or welfare.

**Policy 103.2.5**

Monroe County shall monitor FKAA compliance with federal regulations prohibiting potable water hookups to designated habitat areas of the American crocodile, the Key Largo wood rat, the Key Largo cotton mouse, and the Schaus' swallowtail butterfly (pursuant to FKAA Rules Chapter 48-7). [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.2.6**

Monroe County shall implement activities to protect the habitat and prohibit the destruction of the:

1. American crocodile (see Conservation and Coastal Management Objective 207.8 and supporting policies);

2. Schaus' swallowtail butterfly (see Conservation and Coastal Management Objective 207.10 and related policies); and
3. the Key Largo wood rat and the Key Largo cotton mouse (see Conservation and Coastal Management Objective 207.12 and related policies.) 9J-5.012(3)(b)1; 9J-5.013(2)(b)6]

**Policy 103.2.7**

Monroe County shall identify native upland habitats used by the Schaus' swallowtail butterfly and the Key Largo wood rat and the Key Largo cotton mouse as priority acquisition sites for conservation purposes. Emphasis shall be placed upon acquisition of native upland sites which are located within Improved Subdivisions and which are outside of the acquisition areas identified by the FWS (for the Crocodile Lake National Wildlife Refuge), and DNR (for the Key Largo Hammock CARL Project).

Acquisition shall be considered through the Monroe County Natural Heritage and Park Program. (See Objective 102.4 and related policies.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.2.8**

By January 4, 1998, Monroe County shall complete and implement a cooperative land management program for private and county-owned lands located within and adjacent to state and federal government-owned parks and conservation lands which are within or affected by land uses in North Key Largo, including:

1. Crocodile Lake National Wildlife Refuge;
2. John Pennekamp Coral Reef State Park;
3. North Key Largo Hammock State Botanical Site and CARL Project; and
4. Biscayne Bay - Card Sound State Aquatic Preserve. (See Objective 102.9 and related policies.) [9J-5.006(3)(b)4]

**Policy 103.2.9**

Monroe County shall support, wherever possible, the efforts of federal agencies, state agencies, and private non-profit conservation organizations, to acquire land for conservation purposes within North Key Largo. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.2.10**

Monroe County shall take immediate actions to discourage private development in areas designated as units of the Coastal Barrier Resources System. (See Objective 102.8 and related policies.) [9J-5.006(3)(b)4]

**Policy 103.2.11**

Prior to issuing a building permit or development approval, Monroe County shall require an archaeological/historical review of the proposed development site, performed by a qualified professional familiar with Monroe County. The review will identify the potential development impacts on any resources present, and will recommend mitigation measures, if any.

**Policy 103.2.12**

Prior to issuing a building permit or development approval, Monroe County shall require that the Monroe County Biologist visit the site of all development approval and building permit applications within North Key Largo to assess the need for any federal or state permits.

**Policy 103.2.13**

Prior to issuing a building permit or development approval, Monroe County shall require all applicants to obtain all federal and state permits, including, but not limited to, required permits pertaining to endangered species as required by the U.S. Fish and Wildlife Service and the Florida Game and Fresh Water Fish Commission.

**Policy 103.2.14**

Monroe County, in conjunction with the FWS, shall implement activities to prohibit the destruction of the federally-designated threatened and endangered species and to protect its habitat by addressing:

1. enforcement of animal control laws;
2. construction of fences;
3. roadside management techniques;
4. feeding laws;
5. speed limit enforcement;
6. removal of invasive plants;
7. distribution of management guidelines to private landowners; and
8. attainment of endangered species management objectives.

**Objective 103.3**

Monroe County shall coordinate future development on Ohio Key to protect the habitat value and environmental sensitivity of the wetland system on that Key that serves as habitat for a variety of wading birds, including the piping plover (*Charadrius melodus*), a species listed as threatened under the Endangered Species Act.

**Policy 103.3.1**

The piping plover wintering grounds, which consist of the all of the Atlantic-side portion of Ohio Key south of US 1, shall be subject to the prohibition on new or expanded hotel or motel development, including recreation vehicle spaces and campsites, until December 31, 2001, as specified in Policy 101.2.6. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.3.2**

Monroe County shall support the FWS with its planned acquisition of the piping plover wintering grounds on Ohio Key. [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Policy 103.3.3**

Upon adoption of the Comprehensive Plan, Monroe County shall implement methods including, but not limited to, the Permit Allocation and Point System in order to discourage developments which may adversely impact activities of the piping plover on their wintering grounds (measures of adverse impact to be established by the Monroe County Biologist). (See Policy 101.5.4) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]

**Objective 103.4**

By January 4, 1997, the Land Development Regulations will be revised to address the issues in the focal point plans for all four ACCC designations as stipulated in Objectives 103.1 to 103.3 and related policies.

**Policy 103.4.1**

By January 4, 1997, the Land Development Regulations will be revised to eliminate the ACCC designations from Holiday Isle, Big Pine Key, North Key Largo, and Ohio Key.

**GOAL 104**

Monroe County shall recognize, designate, protect, and preserve its historic resources. [9J-5.006(3)(a)]

**Objective 104.1**

Monroe County shall establish and maintain a comprehensive inventory of historic and archaeological resources, including buildings, structures, districts, sites, objects, and significant places. [9J-5.006(3)(b)4]

**Policy 104.1.1**

By January 4 1998, the Monroe County Growth Management Division shall establish an inventory of all known historic and archaeological resources using information provided by the Florida Master Site File and the Archaeological and Historical Conservancy surveys of the Florida Keys. [9J-5.006(3)(c)8]

**Policy 104.1.2**

Monroe County Growth Management Division shall update the inventory of historic and archaeological resources on an annual basis as new historic and archaeological resources are identified. [9J-5.006(3)(c)8]

**Policy 104.1.3**

By January 4, 1998, Monroe County shall complete a comprehensive historic architectural survey to inventory and document historic architectural resources. This survey shall also identify historic housing and define the bounds of any potential historic districts such as those preliminary identified on Conch Key, in Islamorada, and in Marathon. [9J-5.006(3)(c)8]

**Policy 104.1.4**

By January 4, 1998, the Monroe County Growth Management Division, working with local historic preservation organizations, shall complete and submit Master Site File forms to the State Department of Historic Resources for any historic resources, particularly architectural resources, which are not currently included in the Florida Master Site File. [9J-5.006(3)(c)8]



**Policy 104.1.5**

By January 4, 1998, the Monroe County Growth Management Division shall develop a computerized inventory system for compiling, updating and accessing information pertaining to historic resources. The computerized data base shall include descriptive information provided by the Florida Master Site File and any National Register or Florida Keys Historic Register designations. Included as part of this proposed system shall be an interface with the County's Geographic Information System to provide mapped locations of sites listed on the National Register or Florida Keys Historic Register (see Objective 104.2 and related policies). [9J-5.006(3)(c)8]

**Objective 104.2**

Monroe County shall formally recognize significant historic and archaeological resources by nominating appropriate resources on the National Register and/or the Florida Keys Historic Register. [9J-5.006(3)(b)4]

**Policy 104.2.1**

Monroe County shall revise the Land Development Regulations to expand and refine the program and procedures for protection of local historical, archaeological and cultural resources. At a minimum, the Land Development Regulations should be expanded to:

1. establish a Florida Keys Historic Register to which landmarks of local significance are named;
2. establish a review committee and provide for an historic/archaeological review within the development review process;
3. list the criteria and procedure for selecting a review committee;
4. specify the development review procedure;
5. specify designation criteria for sites and structures of historical, architectural, archaeological, and cultural significance;
6. include procedures for designation of local historic districts;
7. describe the consequences of local designation, such as restrictions on archaeological site disturbance, and on demolition or alteration of historic structures;
8. provide procedures for enforcement;
9. specify the penalties and/or mitigation measures for non-compliance;
10. provide for the documentation and protection of sites which are not listed as local landmarks but are discovered through the development process or otherwise discovered; and
11. provide incentives for the preservation and protection of local landmarks.

**Policy 104.2.2**

By January 4, 1998, Monroe County Growth Management Division shall prepare documentation to nominate the following resources to the Florida Keys Historic Register of historic places:

1. all resources listed on the National Register of Historic Places which are located in unincorporated Monroe County;
2. archaeological sites identified as worthy of preservation; and
3. Tavernier Historic District. [9J-5.006(3)(c)8]



**Policy 104.2.3**

After revisions to the land development regulations pertaining to the Florida Keys Historic Register are adopted, the County shall contact local historic preservation groups and encourage them to nominate eligible historic resources to the Florida Keys Historic Register. The Monroe County Growth Management Division shall provide information and technical assistance to individuals and local historic preservation groups who wish to prepare nominations to the Florida Keys Historic Register. [9J-5.006(3)(c)8]

**Policy 104.2.4**

By January 4, 1998 Monroe County shall submit documentation for nominating the following resources to the National Register of Historic Places:

1. old overseas railroad bridges identified in the AHC Architectural Windshield Survey (Thematic Resource nomination);
2. hurricane houses and public buildings (the Islamorada Library and the Tavernier Health Department) constructed as WPA projects in addition to the hurricane memorial in Islamorada; and
3. archaeological sites identified in the AHC 1988 survey as eligible for nomination to the National Register (Individual Historic Site nominations). [9J-5.006(3)(c)8]

**Policy 104.2.5**

Monroe County shall nominate other historic resources to the National Register as those resources are identified. [9J-5.006(3)(c)8]

**Objective 104.3**

Monroe County shall adopt and implement measures for the protection and preservation of historic resources. [9J-5.006(3)(b)4]

**Policy 104.3.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations constituting a Historic Preservation Ordinance to provide protection for historic resources listed on the Florida Keys Historic Register. The adopted LDRs shall:

1. establish a historic/archaeological review board to review development proposals which impact designated historic resources;
2. list the qualifications and selection criteria for review board members;
3. specify the criteria for local designation of historic resources guided by the criteria for designation to the National Register;
4. incorporate the procedure for local designation as specified in Article VIII of the Land Development Regulations (see Policy 104.2.1);
5. specify the restrictions on archaeological sites resulting from local designation. Establish standards to address the siting and design of proposed developments to

minimize impacts on archaeological resources, and the proper documentation and recording of the site including retrieving of artifacts;

6. specify the restrictions on the demolition and alteration of historic structures resulting from local designation. Establish standards to evaluate alterations to historic structures which are consistent with the U.S. Department of the Interior's "Standards for Rehabilitation";
7. specify the restrictions on historic districts resulting from local designation. Establish exterior architectural standards to evaluate development proposals within designated historical districts with the intent of encouraging compatibility with the architectural features of historical significance to the particular district;
8. establish a procedure for reviewing development and redevelopment proposals which impact designated resources;
9. specify procedures where development activities uncover unknown archaeological resources;
10. provide procedures for enforcement and consequences of non-compliance;
11. provide incentives such as transfer of development rights, tax credits, tax relief, special property tax assessments, building code waivers, building application fee exemptions, zoning variances, and FEMA exemptions to encourage the conservation and rehabilitation of privately-owned historic resources; and
12. specify permitting and review procedures that reconcile redevelopment of designated historical buildings and sites with their potential non-conforming status. [9J-5.006(3)(c)8]

#### **Policy 104.3.2**

The County shall evaluate the possibility of incorporating effects of proposed developments on historic resources into the Point System established by Land Use Element Objective 101.5 and supporting policies. [9J-5.006(3)(c)8]

#### **Policy 104.3.3**

The Land Development Regulations adopted pursuant to Policy 104.3.1 shall be drafted to meet the requirements of the Department of the Interior's "Certified Local Government Program" which shall enable Monroe County to qualify for State Historic Preservation Grants-in-Aid. Within six months of adopting Land Development Regulations pursuant to Policy 104.3.1, Monroe County shall submit the historic preservation regulations to the U.S. Department of the Interior and the State Historic Preservation Officer for certification. [9J-5.006(3)(c)8]

#### **Policy 104.3.4**

Monroe County shall require that architectural guidelines be drafted and approved by Monroe County for each Historic District listed on the Florida Keys Historic Register.

These guidelines shall be drafted by the nominating agency, and shall be approved by a qualified historic preservation professional. The guidelines shall be reviewed and approved by Monroe County within one year of acceptance of the District on the Florida Keys Historic Register.

**Objective 104.4**

Monroe County shall adopt and implement measures for the protection and preservation of historic resources on public lands. [9J-5.006(3)(b)4]

**Policy 104.4.1**

Monroe County shall coordinate with the lessee of Pigeon Key to ensure that the renovation and use of the County-owned island retains the historical and architectural character of the site, and allows a reasonable amount of public access.

**Policy 104.4.2**

Monroe County shall coordinate with county, state and federal agencies to identify, monitor and protect historic resources located on public lands (see Future Land Use Objective 102.9 and related policies). [9J-5.006(3)(c)8]

**Policy 104.4.3**

Development plans on County-owned lands which contain historic resources listed on the Florida Keys Historic Register shall be subject to review by the historic/archaeological review board established pursuant to Policy 104.3.1(a). [9J-5.006(3)(c)8]

**Policy 104.4.4**

Monroe County shall increase its participation in the resource planning of federal and state owned parks, wildlife refuges, military installations and other state or federal properties. Monroe County shall review resource plans, development plans and master plans prepared for these areas, evaluate impacts on historic resources, and submit comments to the appropriate agencies. [9J-5.006(3)(c)8]

**Policy 104.4.5**

Through a lease agreement, Monroe County shall require that the lessee of Pigeon Key or any other County-owned historical or archaeological site designated on the Local or National Register:

1. conform, at a minimum, to the Secretary of the Interior's Standards for Rehabilitation for any permanent or temporary development of the site; and
2. retain the historical, architectural, and/or archaeological integrity of the site, as approved by a professional who meets the appropriate Professional Qualifications specified in the Code of Federal Regulations, Section 61, Number 36. [9J-5.006(3)(c)8]

**Policy 104.4.6**

Before the County may sell Pigeon Key, Monroe County shall develop and adopt architectural guidelines for this National Register Historic District.



**Objective 104.5**

Monroe County shall seek to increase public awareness and appreciation of the historic resources and historic preservation activities in the County. [9J-5.006(3)(b)4]

**Policy 104.5.1**

Monroe County shall coordinate with the following organizations and individuals to identify opportunities for joint public education and funding efforts :

1. Local preservation groups in unincorporated Monroe County;
2. The Key West historic preservation planner and other historic preservation leaders;
3. Historic Florida Keys Preservation Board;
4. Federal agencies including the National Park Service, U.S. Fish and Wildlife Service, and NOAA;
5. State Agencies including the Florida DNR Division of Parks and Recreation, and State Division of Historic Resources;
6. Florida Trust for Historic Preservation;
7. Monroe County School Board; and
8. Local libraries. [9J-5.006(3)(c)8]

**Policy 104.5.2**

By January 4, 1997, historical and archaeological information produced by or for the County such as the historic inventory, National Register listings, Florida Keys Historic Register listings, archaeological surveys, and historic architectural surveys shall be made available to the public at various locations throughout the County including libraries, schools, senior centers, museums and County offices. [9J-5.006(3)(c)8]

**Policy 104.5.3**

By January 4, 1998, Monroe County and the Historic Florida Keys Preservation Board shall seek funding from the Tourist Development Council to create and implement a historic marker program and a historic map/guide to increase public awareness and appreciation of the County's history and historic resources. [9J-5.006(3)(c)8]

**Policy 104.5.4**

By January 4, 1998, the County and the Historic Florida Keys Preservation Board shall institute a procedure to notify property owners of properties listed or eligible for listing on the Florida Keys Historic Register or National Register and apprise owners of the associated benefits of listing. [9J-5.006(3)(c)8]

**Policy 104.5.5**

Monroe County shall promote public knowledge of local, state and federal programs and incentives designed to assist owners of historic properties. [9J-5.006(3)(c)8]

**Policy 104.5.6**

Monroe County shall identify community leaders with an interest in historic preservation and provide technical assistance for the formation of new citizen-based historic preservation groups. These groups will aid the County in generating interest and raising funds for local historic preservation activities. Areas which could benefit from a citizen support group include the Pigeon Key Historic District, potential historic districts on Conch Key, in Islamorada and in Marathon. [9J-5.006(3)(c)8]

**Objective 104.6**

Monroe County shall coordinate with public agencies and non-profit organizations to protect, preserve and increase awareness of historic resources. [9J-5.006(3)(b)4]

**Policy 104.6.1**

Monroe County shall involve local historic preservation groups in the planning process. The County will apprise groups of historic preservation planning efforts, request their comments and solicit their support. [9J-5.006(3)(c)8]

**Policy 104.6.2**

Monroe County shall include archaeological sites identified by local historic preservation groups on the priority list of Natural Heritage and Park acquisition sites. (See Future Land Use Objective 102.4 and related policies.)

**Policy 104.6.3**

Monroe County shall encourage and facilitate acquisition of historic sites suitable for cultural, tourism, recreation or conservation uses by federal, state and local agencies, non-profit historic preservation groups, and non-profit conservation organizations [9J-5.006(3)(c)8]

**Policy 104.6.4**

By January 4, 1998, the County shall identify available public and private funding sources for historic preservation activities and submit proposals for the following projects:

1. Perform emergency repairs and tenting for termites for historic structures on Pigeon Key;
2. Perform structural surveys and begin renovations of significant buildings on Pigeon Key; and
3. Develop architectural guidelines for Tavernier once a local historic district is established. [9J-5.006(3)(c)8]

**Policy 104.6.5**

By January 4, 1998, the County shall submit funding proposals for the following historic preservation projects:

1. Conduct a historic architectural building survey for unincorporated Monroe County which shall identify potential historic districts and historic housing resources;
2. Renovation and preservation of other County-owned historic resources; and
3. Create and implement a program to promote historic resources listed on the Florida Keys Historic Register with historic markers and accompanying map/guide. [9J-5.006(3)(c)8]

**Policy 104.6.6**

By January 4, 1998, the County shall submit funding proposals for the following historic preservation projects:

1. Develop architectural guidelines for any historic districts listed on the Florida Keys Historic Register;
2. Develop a computerized system for the inventory of historic resources including all Florida Master Site File records, local and national register status and GIS location maps.
3. Expand documentation of the Keys history through the collection of written records and recording recollections of remaining early settlers in written, video or audio form; and
4. Complete detailed documentation and research for remaining historic resources which may be eligible for the Local or National Register. [9J-5.006(3)(c)8]

## **GOAL 105**

Monroe County shall undertake a comprehensive land acquisition program and smart growth initiatives in conjunction with its LivableCommuniKeys Program in a manner that recognizes the finite capacity for new development in the Florida Keys by providing economic and housing opportunities for residents without compromising the biodiversity of the natural environment and the continued ability of the natural and made-made systems to sustain livable communities in the Florida Keys for future generations.

### **Objective 105.1**

Monroe County shall implement smart growth initiatives in conjunction with its Livable CommuniKeys and Land Acquisition Programs which promote innovative and flexible development processes to preserve the natural environment, maintain and enhance the community character and quality of life, redevelop blighted commercial and residential areas, remove barriers to design concepts, reduce sprawl, and direct future growth to appropriate infill areas.

#### **Policy 105.1.1**

Monroe County shall create an economic development framework for a sustainable visitor-based economy, not dependent on growth in the absolute numbers of tourists, that respects the unique character and outdoor recreational opportunities available in the Florida Keys.

#### **Policy 105.1.2**

Monroe County shall prepare design guidelines to ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys.

#### **Policy 105.1.3**

Monroe County shall prepare development standards and amend the Land Development Regulations to limit non-residential allocations for new floor space on any one site to foster the retention and redevelopment of small businesses on the US # 1.

**Policy 105.1.4**

Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape.

**Policy 105.1.5**

Monroe County shall prepare amendments to this Plan and its Land Development Regulations that comprehensively revise the existing residential permit allocation system to direct the preponderance of future residential development to areas designated as an overlay on the zoning map(s) as Infill (Tier III) in accordance with Policy 105.2.2.

**Policy 105.1.6**

Monroe County shall prepare amendments to this Plan and its Land Development Regulations that comprehensively revise the existing non-residential permit allocation system in a manner that implements Policies 105.2.1 and 105.2.15 and is consistent with and furthers this Plan.

**Objective 105.2**

Monroe County shall implement with assistance of the state and federal governments a 20-year Land Acquisition Program to: 1) secure for conservation and passive recreation purposes remaining privately-owned environmentally sensitive lands; 2) retire development rights on privately-owned vacant lands to limit further sprawl and equitably balance the rights of property owners with the long-term sustainability of the Keys man-made and natural systems; and, 3) secure and retain lands suitable for affordable housing. This objective recognizes the finite limits of the carrying capacity of the natural and man-made systems in the Florida Keys to continually accommodate further development and the need for the significant expansion of the public acquisition of vacant developable lands and development rights to equitably balance the rights and expectations of property owners.

**Policy 105.2.1**

Monroe County shall designate all lands outside of mainland Monroe County into three general categories for purposes of its Land Acquisition Program and smart growth initiatives. These three categories are: Natural Area (Tier I); Transition and Sprawl Reduction Area (Tier II); and Infill Area (Tier III).

1. Natural Area (Tier I): Any defined geographic area where all or a significant portion of the land area is characterized as environmentally sensitive by the policies of this Plan and applicable habitat conservation plan, is to be designated as a Natural Area. New development on vacant land is to be severely restricted and privately owned vacant lands are to be acquired or development rights retired for resource conservation and passive recreation purposes. However, this does not preclude provisions of infrastructure for existing development. Within the Natural Area designation are typically found lands within the acquisition boundaries of federal and state resource conservation and park areas, including isolated platted subdivisions; and privately-owned vacant lands with sensitive environmental features outside these acquisition areas.





2. Transition and Sprawl Reduction Area (Tier II): Any defined geographic area, where scattered groups and fragments of environmentally sensitive lands, as defined by this Plan, may be found and where existing platted subdivisions are not predominately developed, not served by complete infrastructure facilities, or not within close proximity to established commercial areas, is to be designated as a Transition and Sprawl Reduction Area. New development is to be discouraged and privately owned vacant lands acquired or development rights retired to reduce sprawl, ensure that the Keys carrying capacity is not exceeded, and prevent further encroachment on sensitive natural resources. Within a Transition and Sprawl Reduction Area are typically found: scattered small non-residential development and platted subdivisions with less than 50 percent of the lots developed; incomplete infrastructure in terms of paved roads, potable water, or electricity; and scattered clusters of environmentally sensitive lands, some of which are within or in close proximity to existing platted subdivisions.
3. Infill Area (Tier III): Any defined geographic area, where a significant portion of land area is not characterized as environmentally sensitive as defined by this Plan, where existing platted subdivisions are substantially developed, served by complete infrastructure facilities, and within close proximity to established commercial areas, or where a concentration of non-residential uses exists, is to be designated as an Infill Area. New development and redevelopment are to be highly encouraged. Within an Infill Area are typically found: platted subdivisions with 50 percent or more developed lots situated in areas with few sensitive environmental features; full range of available public infrastructure in terms of paved roads, potable water, and electricity; and concentrations of commercial and other non-residential uses within close proximity. In some Infill Areas, a mix of non-residential and high-density residential uses (generally 8 units or more per acre) may also be found that form a Community Center.

#### **Policy 105.2.2**

Monroe County shall prepare an overlay map(s) designating geographic areas of the County as one of the three Tiers in accordance with the guidance in Policy 105.2.1, which shall be incorporated as an overlay on the zoning map(s) with supporting text amendments in the Land Development Regulations. These maps are to be used to guide the Land Acquisition Program and the smart growth initiatives in conjunction with the Livable CommuniKeys Program (Policy 101.20.1).

#### **Policy 105.2.3**

The priority for acquisition of lands and development rights under the County's Land Acquisition Program shall be as follows: Tier I (Natural Area)-first priority; Tier II (Transition and Sprawl Reduction Area)-second priority; and Tier III (Infill Area)- third priority, except acquisition of land for affordable housing shall also be a first priority. These acquisition priorities shall be applied consistent with the Policy 105.2.10 that directs the focus of the County's acquisition efforts to the acquisition or retirement of development rights of privately owned vacant platted subdivision lots within Tiers I and II. Federal, State and local funding will be used for purchasing privately owned vacant lands for Tier II.

#### **Policy 105.2.4**

Monroe County shall prepare a specific data base tied to its Geographic Information System, containing information needed to implement, monitor, and evaluate its Land Acquisition Program, smart growth initiatives, and Livable CommuniKeys Program.

#### **Policy 105.2.5**

Monroe County shall, in coordination with federal and state agencies, implement a land acquisition program to acquire all remaining privately-owned vacant lands within areas designated as a Natural Area (Tier I).

**Policy 105.2.6**

Monroe County shall implement a land acquisition program to acquire most privately owned vacant private lands within areas designated as a Transition and Sprawl Reduction Area (Tier II).

**Policy 105.2.7**

Monroe County shall implement a limited land acquisition program to acquire privately owned vacant lands with sensitive environmental features for conservation purposes and scarified properties for affordable housing within areas designated as an Infill Area (Tier III).

**Policy 105.2.8**

The preferred method for acquisition of environmentally sensitive privately owned vacant non-platted lands shall be fee simple purchase, donation, or dedication or the retirement of development rights through transfer of development rights or similar mechanisms.

**Policy 105.2.9**

The preferred method for acquisition of vacant platted lots shall be fee simple purchase, donation, or dedication or the retirement of development rights thorough transfer of development rights or similar mechanisms; however, wherever appropriate, platted lots may be purchased in partnership with adjoining property owner(s) subject to a conservation easement that may allow limited accessory residential uses.

**Policy 105.2.10**

In terms of effort, Monroe County shall primarily focus its Land Acquisition Program on the acquisition or retirement of development rights of vacant privately-owned platted lots within Tier I and Tier II and the acquisition of scarified and disturbed lands for affordable housing within Tier III. This policy recognizes the critical need for the County to aggressively address the imbalance between development expectations of private property owners and the finite carrying capacity of the natural and man-made systems in the Florida Keys.

**Policy 105.2.11**

Monroe County shall petition the federal and state governments to aggressively pursue the acquisition of all remaining privately-owned vacant lands within their park and conservation acquisition boundaries and to expand existing acquisition boundaries to include other lands in close proximity with similar environmentally sensitive features.

**Policy 105.2.12**

With respect to the relief granted pursuant to Policy 106.1 (Administrative Relief) or Policy 101.18.5 (Beneficial Use), a purchase offer shall be the preferred form of relief for any land within Tier I and Tier II, or any land within Tier III having conservation value in accordance with the criteria in Policy 101.6.5.

**Policy 105.2.13**

In implementing this Land Acquisition Program, Monroe County is only committed or financially obligated to the extent that local, state, and federal funds are available.

**Policy 105.2.14**

Monroe County shall identify and secure possible local sources to yield a steady source of funds and secure increased funding from state and federal, and/or private sources for the Land Acquisition Program and the management and restoration of acquired resource conservation lands. With the uncertainty concerning the County's ability to successfully secure sufficient funding from state and federal governments for their fair share of the financial support for the Land Acquisition Program and the demands placed on the County's limited financial resources to address wastewater and other critical issues, it is recognized that the Land Acquisition Program may extend well beyond 20 years.

**Policy 105.2.15**

Where appropriate, as part of the LivableCommuniKeys Planning Process, Community Centers shall be designated within areas designated as Tier III Infill Area). A Community Center is characterized as a defined geographic area with a mix of retail, personal service, office and tourist and residential uses (generally of greater than 8 units per acre). Community Centers shall be designated as receiving areas for transfer of development rights and shall receive special incentives in the non-residential permit allocation system.

**Objective 105.3**

Monroe County shall implement its 20-Year Land Acquisition Program and smart growth initiatives in conjunction with its LivableCommuniKeys Program and shall make appropriate amendments to this Plan and the Land Development Regulations including, but not necessarily limited to the residential and non-residential permit allocation systems.

**Section 2.** If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 4.** The effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.31484, F.S.; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

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